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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northen Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 23 April 1946, 1000-1245, Lord Justice Lawrence presiding.

THE PRESIDENT: Dr. Seidl.

DR. SEIDL (Counsel for Hans Frank): Mr. President, the witness Strube, chief of the Central Department and in charge of food in the Government General, will not be needed by me, and with the permission of the Tribunal, I am now calling witness Dr. Joseph Buehler.

JOSEPH BUEHLER, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name, please?

A Joseph Buehler.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth, and will withhold and add nothing.

(The witness repeat the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY DR. SEIDL:

Q Witness, since when do you know defendant Dr. Hans Frank, and what were the positions in which you worked under him?

A I have known Frank since October 1, 1930. In the Civil Service I worked with him since the end of March 1933. I have served under him in his capacity as Minister of Justice in Bavaria, and later as Reich Commissioner for Justice, and later still in his capacity as Minister. Beginning at tge end of September 1939 Frank employed me in the Government General.

Q In what capacity were you working at the end in the Government General

A Approximately since the second half of 1940 I was Secretary of State in the Government of the Government General.

Q Were you yourself a member of the Party?

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A I have been a Party member since the first of April 1933.

Q Did you have any functions in the Party or any of the affiliated organizations of the Party, that is to say, the SA or the SS?

A I have never exercised any functions within the Party. I was never a member of the SA or the SS.

Q I shall now come to the time during which you as Secretary of State were the chief of the government in the Government General. Will you please tell me what the relations between the Government on one side and the

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Higher SS and Police Leader on the other side were?

A Perhaps I may first of all say in brief that my sphere of jurisdiction did not touch upon the police matters, matters relating to the Party or military matters in the Government General.

Relations between the Governor General and the Higher SS and Police Leader who was attached to him by the Chief of the German Police and SS, that being Obergruppenfuehrer Krueger, were right from the beginning, disturbed by very deep differences of opinion. These differences of opinion concerned both the conception regarding the task and position of the police in an orderly State system, as well as, in particular, the position and tasks of the police in the Government General.

The Governor General represented the view that the police must be the servant and the organ for the executive of the State, and that, according to that view, he and the State Departments would be giving orders to the police. From this arrangement it would arise that the Police would simultaneously have to have its tasks and influence limited to some extent.

The Higher SS and Police Leader Krueger, on the other hand, represented the view that the police would have executive tasks originating from the State, but that even in the carrying out of these tasks it would not have to be bound to the instructions coming from administrative sources. He considered that here one was concerned with actual police questions and tasks, the decisions for which could not be made by administrative sources who were not suited for making them.

Regarding the power to give orders to police, it was Krueger's view that because of the power and the type of activity of the police in all occupied territories, such orders could only come centrally from Berlin, and that orders in the Government General could only exclusively come through him.

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As far as the sphere of influence of the police was concerned, it was Krueger's opinion that the views of the Governor General regarding the limitarions of the sphere became superfluous, simply because he, as Higher SS and Police leader, was simultaneously the deputy of the Reichsfuehrer SS in his capacity as Reich Commissioner for the strengthening of German nationalism.

As far as the police in the Polish policy were concerned, it was Krueger's view that during work in a foreign theater, the point of view of the police would have to be put into first place. He considered that everything could be achieved and everything could be prevented by means of the police system. This overestimate of the powers of the police sector led, for instance, to the fact that during later argument regarding respective spheres of influence which took place between the police and the administration, the tasks listed for the police included such matters as foreign national problems.

Q Do you know that as early as '39 the Reichsfuehrer SS Himmler issued an interim decree, according to which all police matters were his own affair or the affair of his Higher SS and Police leader?

A That this was the case became clear to me from the actions taken by the police. I did not see a decree of that type, but I can say this upon this matter: The police, in the Government General, acted exactly as I described it before.

Q Witness, in 1942, a decree of the Fuehrer created a Secretariat of State for the Security System. Who brought about the creation of that institution and what position did the Governor General hold in that connection? What views did he have?

A This decree was preceded by a frightful campaign of hatred against the person of the Governor General. The Secretariat for the Security System was considered by the police to be an important step in the fight for the removal of the Governor General. The matters contained in that decree hadn't been transferred to the police at that instant, or at least the majority of them, not as

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late as that. On the contrary, the true development of events had started during the time which preceded the decree, and had been adapted to the contents of the decree.

Q In the decree which preceded the Fuehrer Decree dated June 3, 1942, all spheres of influence and tasks of police were listed which were to be transferred to that Secretary of State. This was contained in Appendix A, "Spheres for the Order Police", and Appendix B, "Tasks for the Security Police." Were these police matters at that time exclusively and completely transferred to the Secretary of State?

A The Administration didn't like giving up these affairs, that is to say, of course, where the police hadn't already got hold of them before, and in such cases they were only given up hesitatingly.

Q You are, therefore, first of all thinking of the spheres of the so-called administrative police, aren't you?

A Yes. That is to say, police communication, hygiene police, food police, and such matters as that.

Q If I understand your statement correctly, you want to say that the entire police system, security police, police, SD, and order police, in other words, was coordinated under the central department either by Himmler himself or through the RSHA and higher police leaders.

A That, according to my observation, was the general picture, but I think it must have happened, too, that the security police received direct orders from Berlin, without their going through Krueger. That is possible.

Q And now another question: Is it correct that the resettlement was carried out in the Government General through Himmler in his capacity of Reich Commissioner for the Strengthening of German Nationalism?

A Resettlement in the conception of the Governor General, and even if it was carried out decently, did always cause disquiet among the population. We had no use for that in the Govern-

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ment General, particularly since these resettlements always called a falling off of agricultural production. For that reason, the Governor General and the Government did not undertake resettlement during wartime. As far as such resettlement was carried out, it was exclusively ordered by the Reich Commissioner for the Strengthening of German Nationalism.

Q Is it correct that the Governor General, because of this resettlement policy, had repeated serious arguments with the Reichsfuehrer SS and Krueger and Globotchnik?

A That is correct, yes. The intention of preventing such resettlement did always lead to arguments and friction between the Higher SS and Police Leader and the Governor General.

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Q The defendant Dr. Frank has been accused of carrying out confiscations of private property and industry. What was the basic attitude of the Governor General regarding such problems?

A The laws regarding that sphere originally came from the Plenipotentiary for the Four-Year Plan. They were applicable to the Occupied Eastern Territories, and to the Government General as far as confiscation of private property or any other property.

In this decree from the Plenipotentiary for the Four-Year Plan, the creation of the Central Trustee Deputies was mentioned, which was to come under the Central Administration Department in Berlin. The Governor General should be administered in Berlin, and therefore he opposed the fact that the Trustee Deputies were to deal with matters relating to property in the Government General. Without being stopped by the Plenipotentiary for the Four-Year Plan, he created rules referring to confiscations in the Government General, and he created a special Trustee Department for the Government General. That Trustee Department was headed by an experienced higher civil servant from the Ministry of Economy.

Q What happened to the industrial property which was in the Government General and which had been the property of the Polish State before?

A Industrial property, as far as it was included in the armament program, was taken over by the military sector, that is to say, the Inspector for Armament, which was first of all subordinated to the OKW and later on, Minister Speer.

As far as industrial works outside the armament sector had belonged to the Polish State, they were coordinated in a limited company by the Governor General, and they were separately administered as property of the Government General. The chief snqreholder in this corporation was the State in the Government General, and the state budget.

Q That is to say, these works were administered separately from the Reich budget?

A Yes.

Q The Prosecution, under No. USA-281, have submitted extracts from Frank's diary in evidence. They refer to a conference regarding Jewish

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problems. In that connection, amongst others, Frank stated:

"My basic expectation regarding the Jews willbe that they must disappear. Negotiations for that purpose have been started by me and they must be deported to the East. The question will be discussed in a large meeting in Berlin in January, to which I shall send Secretary of State, Dr. Buehler. The conference is to take place in the RSHA in the offices of Heydrich. At any rate, a large scale Jewish trek will begin."

I now ask you: Did theGovernor General send you to Berlin for that conference, and if so, what was the subject of the conference?

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A Yes, I was sent to the conference. It subject -- Jewish problem. May I first of all say that Jewish questions in the Government-General, right from the beginning, were considered a part of the sphere of influence of the Higher SS and police leaders and handled in that manner. As far as the administration of the state in dealing with Jewish matters, this was done under the sufferance and supervision of the police.

In the course of the years of 1940 and '41 an incredible mass of people, mostly Jews, and in spite of the objections and protests of the Governor General and his administration, were led into the Government General. This completely unsuspected and unprepared and undesirable pushing into our territory of Jews from other territories put the administration of the Government General into an extremely difficult situation.

The accomadations of these masses, their feeding and their hygienic welfare, the combatting of epidemics for instance, nearly went or certainly went beyond the capacity of our territory. The particularly serious point was the spreading of typhoid not only in the ghett s but also amongst the Polish population and the Germans in the Government General. It appeared as if that epidemic would become apparent even in the Reich and on the eastern front, originating from the Government General.

At that moment we received Heydrich's invitation to the Governor General. The conference was originally supposed to take place in November 1941 but it was frequently cancelled and I think it did take place in February 1942.

Because of the special problems of the Government General I had asked Heydrich for an interview and he received me in that connection. On that occasion, amongst other things, I particularly referred to the catastrophic conditions as a result of the independent action regarding the bringing in of Jews into the Government General. He replied to me that for that reason particularly he had invited the Government General to that Conference. The Reichsfuehrer SS, so he said, had received the task from the Fuehrer to concentrate all Jews in Europe and to settle them in the Northeast of Europe, Russia. I asked him whether this meant that further of arrival of Jews in the Government General would cease and I said that these hundreds of thou-

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sands of Jews who had arrived in the Government General without permission of the Governor General, would be taken away once more. Heydrich promised me both. Heydrich said furthermore, that the Fuehrer had given an order that the town in the protectorate of Theresienstadt should become a reservation in which old and sick Jews and weak Jews who could not stand up to the strains of resettlement were to be accomodated in the future. I gathered fro that the certain impression that this resettlement of Jews, if not for the sake of the Jews, then for the sake of the reputation of the German People was to be carried out under normal conditions. The removal of the Jews, from the Government General was subsequently carried out exclusively by police authorities.

May I perhaps add that Heydrich demanded particularly that he and his officers have exclusive rights to deal with this matter.

Q Which concentration camps did you come across during your activities as Secretary of State in the Government General?

A The publications in the press during the summer of 1944 were the first indications which I had. They referred to the concentration camp at Maidanek. I did not know that this camp, which was just outside Lublin, was a concentration camp. It had been installed as an economic firm of the Reich fuehrer SS I think in 1941. Governor Zoerner came to visit me at that time and he told me that he had opposed the creation of that camp when when he talked to Globotchnik, since it would mean a danger to the electric current supplies of the town and since there were certain objections on the part of the police as well. I informed the Governor General of this and he in turn sent for Globotchnik. Globotchnik stated that certain workshops were going to be erected or had been erected on that site by him and he mentioned workshops making furs but he also mentioned a building yard which was situated there.

In this fur shops, as I heard, the furs, which were needed at the front were altered. At any rate Globotschnik stated that by order from Himmler he had installed these workshops.

The Governor General phohibited any further installations to be erected until the building police had clarified their side of the matter and until

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plans had been submitted to the officers of the state, in other words until all rules had been complied with which apply to buildings which are to be erected. Globotschnik never submitted these plans and regarding the things which took place in the camp no concrete information ever came through and it has surprised the Governor General just as much as it surprised me when the press published this news regarding Maidanek.

Q Witness, the Prosecution have submitted a document 437-PS, U.S.A., 610, which is a memorandum from the Governor General, addressed to the Fuehrer, dated 19 June, 1943. I think you yourself drafted that memorandum. On page 35 a report of the commander of the Security Police is mentioned, whic is quoted verbatim. This report of the Security Police mentions the name Maidanek.

Did you at that time realize that this Maidenak was identical or probably identical with that camp near Lublin?

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A No. I assumed that like Auschwitz it was situated outside of the government general because the govenor general had repeatedly told the police and the higher SS and police leader that he did not wish to have concentration camps in the government general.

Q Under whose jurisdiction did the concentration camps of the government general come?

A I don't know because I didn't know of the existence of the camps. In August, on the occasion of a visit, I heard of the reception camp at Pruszkow; that is where we heard about the administration of camps. At that time I brought some instruction from Himmler to the camp commandant, an instruction which stated that the transport of the inhabitants of Warsaw who were to be removed from the town and taken to concentration camps was to cease forthwith.

Q Was that after the uprising in Warsaw?

A It was during it; it must have been on or about the 18th or 19th of August 1944. The camp commandant, whose name I have forgotten, told me at the time that he did not know an order of that type and that he had been merely told that he could merely take orders from the chief of concentration camps.

Q Do you know whether the governor general himself ever sent a Pole, a Ukranian, or a Jew to a concentration camp?

A Nothing like that ever happened when I was present.

Q Is it true that a large number of Jewish workmen were working in the fort at Warsaw who had been taken away by the security police against their will while he was absent?

A This Jewish workers' colony is known to me because I lived in that castle. I also know that the governor general always took care that his colony of workers be retained. And the chief of the Chancellory of the Government General, Ministerialrat Keit, once told me that this group of Jewish workers had been taken away by force at the time when the governor general was absent.

Q I now come to the so-called A-B action. What were the circumstances which caused this action to be introduced?

A It may have been about the middle of May 1940 when on one fine morning I left the government building where I was working, having been ordered to visit the governor general in the castle. I think I am right when I remember that Minister Seyss-Inquart had also been ordered to come along with me. On arrival

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we met the governor general together with several gentlemen from the police. The governor general stated that according to the opinion of the police a extraordinary appeasing action appeared necessary. The security situation, as far as I remember, at that time was this:

Certain remnants of the Polish armed forces were still roaming about in deserted wooded country, and they were causing disquiet among the population, and I think they were training certain militant young Poles. At that time, that is May 1940, the Polish people had recovered from the shock which they suffered under the sudden defeat in 1939, and with little caution and without experience there began a resistance movement among all parts of the population. This picture is clearly in my recollection due to descriptions given by the police on that and some other occasions.

Q May I interrupt you and may I quote from Frank's diary, an entry of May 16, 1940. I quote

"The genral war situation forces us to regard the security position in the government general with great care. From a number of symptoms and actions one can drawt the conclusion that a well-organized wave of resistance among the Poles in the country is beginning, and that we stand immediately before the outbreak of certain forceful events. Thousands of Poles are supposed to have gotten together secretly, have been armed, and are being caused to carry out acts of force of all sorts. "Then the governor general qupted some examples of some recent days, as for instance, an uprising in certain villages on the major Kubala in the district of Radom, not unlike a war. The murdering of German families; the murdering of the mayor of the town of Krasienka; and illegal pamphlets are being distributed and even posted everywhere, and there can therefore be no doubt that the security position is extremely serious."

Did the governor general express himself in that manner at the time?

A When I participated in that meeting the governor general spoke about the situation for some time, but the details of what he had said I can not now recollect.

Q What happened?

A I only had one impression, In the previous months the governor general had succeeded in taking great pains to issue courts martial regulations, and a procedure to the police which he forced upon them and which had to be observed in

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the case of arrests or whenever they dealt with suspicious persons. Furthermore, the police had to allow it that the governor general could review the sentences of courts martials by means of a reprieve commission, and that the execution of sentences could only take place after the sentences had been confirmed by the governor general. "The statements of the governor general during the conference in the middle of May 1940 left me worrying that the police on these occasions might have the possibility--or shall we say--yes, possibility, of overlooking these instructions regarding courts martials and reprieve commissions, and they might dodge them. For that reason after the governor general had finished his statement I asked him for permission to speak. First of all the governor General cut me short and stated that he wanted to dictate something quickly to the stenographer, something which should go straight into the typewriter and then later on brought in in its final version. Subsequently the governor general dictated some authority or some such document, and I remember with one-hundred percent certa inty that after he had finished dictating the court reporter and I think Streckenbach left the room. I am saying this first because this is the explanation for the fact that everthing that happened afterward is not containrd in the record, in the minutes, since the person preparing the record was no longer present in the room. "At any rate, I expressed my worries, saying that the requirements mentioned in the courts-martial procedure should be observed under all circumstances. I am not claiming any particular merit in this connection, because if I hadn't done it then this objection would have been raised, I am convinced, by Minister Seyss-Inquart, or the governor general personally would have realized the danger which his intentions might have brought about for this sector. At any rate, on my objection and without any debate the governor general stated at once that of course arrests and shootings would only take place in accordance with the courts-martial procedure, and that sentences of the courts-martial would have to be investigated by this reprieve commission.

During subsequent times these instructions were obeyed. I assume that it is certain that the reprieve commission did refuse all sentences pronounced by these courts martials and dealt with them.

Q Another entry in Frank's diary, the 12th of July 1940, must bring one to the conclusion that the leaders of the resistance movement were arrested. I quote verbally and literally a statement of the governor general.

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"Regarding the question what to do with the political concentration camps under the A-B action, a discussion with Secretary of State Dr. Buehler is to take place in the near future as well as Obergruppenfuehrer Krueger, Brigadeleader Streckenbach, and Ministerialrat Wille."

Who was Ministerialrat Wille and what task did he have in that connection?

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A May I first of all, perhaps, say this? There is a gap in my memory, which makes it impossible for me to say for certain when the Governor General told Brigadefuehrer Streckenbach that he would have to observe courts martial procedures and take notice of that reprieve commission.

On the other hand, I think I can remember for certain that at the time this discussion took place between Krueger, Streckenbach, Wille, and myself, only arrests had taken place and no executions.

Ministerialrat Wille was the chief of the main department, Justice, in the Government, and he was the executive official for all reprieve matters. The Governor General wanted these matters dealt with by a legally trained, experienced man.

During the conference with Krueger, Streckenbach, and Wille, it had been ruled that the persons who had been arrested up to that time were to be put before a court martial and that sentences had to be dealt with by this reprieve commission. The police were not exactly enthusiastic about it, and I remember that Krueger told me privately, after the conference, that the Governor General was a jack-in-the-box with whom one couldn't work, and that in the future he would go his own particular way.

THE PRESIDENT: Dr. Seidl, the Tribunal thinks that this has been gone into in too great detail.

DR. SEIDL: Yes, and I have come to the end of that question.

BY DR. SEIDL:

Q Witness, during the police meeting in 1940--that is to say, on the 1st of May--the defendant, Dr. Frank, mentioned the following about other things, and I quote: "What difficulties we had with these Krakow professors were terrible. If we had handled the thing from here, it would have taken a different course."

Who arrested these professors, and how far did the Governor General participate in the matter?

A When the Governor General, on the 7th or 8th of November, 1939, arrived in Krakow to begin his activities, all professors of the Krakow University had been arrested by the Security Police, without his knowledge,

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and taken away to concentration camps in the Reich. Amongst them were acquaintances of the Governor General, with whom he had had discussions in the Academy of German Law just before, and with whom he had had both scientific and social contact. The Governor General worked on Krueger persistently and uninterruptedly until he had been successful in achieving the release of a majority of these professors from concentration camps.

This statement of his, which seems to contradict this, was, in my opinion, for the purpose of healing the wounds of the police. The police, of course, did not like to have these professors out.

Q What was the principal attitude of the Governor General regarding the recruiting of laborers for the Reich?

A The Governor General and the Government General were always attempting to bring as many Polish workers to the Reich as possible. It was clear to us, however, that the employment of force in the recruiting of workers might bring about temporary advantages, but that, on the other hand, the recruitment of workers, and for a long time to come, would then not promise much success. The Governor General gave me instructions, therefore, to make considerable propaganda so as to create an atmosphere favorable for employment in the Reich, and stating that all force in the recruitment of laborers should be discontinued and opposed.

On the other hand, the recruitment of wrkers for the Reich was successfully attempted by the Governor General by speaking for decent treatment of Polish workers in the Reich. The Reich Commissioner for the employment of labor, Gauleiter Sauckel, was negotiated with for years about that matter, and improvements were in fact achieved. In particular, the Governor General opposed the marking of Poles in the Reich. I remember a letter from Reich Commissioner Sauckel in which he informs the Governor General that he had made every effort so as to insure equal treatment of Polish workers with the other foreign workers, but that his efforts had no longer been crowned by success wherever the influence of the Reichsfuehrer SS had opposed his efforts.

Q Witness, I now come to another problem. Under USA 275, the prosecution have submitted document 1061-PS, which is a report of

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Brigadefuehrer Strop about the destruction of the ghetto at Warsaw. Did you or the Governor General find yourselves informed previously about these measures to be introduced?

A I can say that I do not know if the Governor General had been informed about any such plans.

Q And afterwards, what did you hear afterwards about the events of 1943 at the ghetto at Warsaw?

A I heard something which practically everybody heard, that an uprising had occurred at the ghetto which had been long prepared, that the Jews had been given building materials for air raid precautions but that they used them to establish defense works, and that during that uprising considerable resistance was met by the German troops.

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Q I now come to the Warsaw uprising of 1944. How far was the Adm inistration in the Government General participating in that revolt?

A Since our comrades were enclosed in Warsaw with the revolutionary men, we asked the Governor General to ask the Fuehrer for assistance for a speedy combatting of that revolt. Apart from that, the Administration was concerned with the welfare of the population and the clearing up in the battle zone. We did assist in that, but the Administration had no authoritative powers, nor did the Governor General.

Q On the 4th of November, 1945, you made an affidavit. The affidavit has the number 2476-PS. I shall now read to you that very brief affidavit, and I shall ask you to tell me whether the contents are correct. I quote:

"In the course of the defeating of the Warsaw revolt in August of 1944, approximately 50,000 to 60,000 inhabitants of Warsaw were taken away to German concentration camps. As a result of a demarche by the Governor General to Reichsfuehrer SS Himmler, the latter prohibited such deportations. The Governor General had attempted so that the 50,000 to 60,000 inhabitants of Warsaw who had been taken to concentration camps should once more be liberated. The Chief of the RSHA, Obergruppenfuehrer Kaltenbrunner, has dealt with this document, which I brought about personally in October of 1944, and refused, giving the reason that these inhabitants of Warsaw were being used in the secret rearmament program of the Reich, and that therefore a general release was out of the question. However, he would certainly be willing to entertain individual applications favorable. Individual applications for release from concentration camps were granted by Kaltenbrunner during the subsequent months.

"Contrary to the Polish estimate, the number of persons taken to concentration camps in the Reich was estimated to be small by Kaltenbrunner. I myself reported to my office, the statement from Kaltenbrunner regarding the number of detained persons, and after a

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renewed investigation I found that the above-mentioned figure of 50,000 to 60,000 was correct. These were the people who had been taken to concentration camps in Germany."

A May I ask you to repeat the last two sentences please?

Q "I myself reported Kaltenbrunner's statement regarding the number of detained persons, and a renewed investigation proved the above mentioned figure of 50,000 to 60,000 to be correct. These were the people who had been taken to concentration camps in Germany."

I now ask you, are the contents of this affidavit, made before an American officer, correct?

A I can supplement it.

THE PRESIDENT: B efore he supplements it, is it in evidence? Has it yet been put in evidence?

DR. SEIDL: It has the number 2476-PS.

THE PRESIDENT: You said before, 2467. Which is it?

DR. SEIDL: It is 2476.

THE PRESIDENT: That doesn't prove it has been put in evidence. Has it been put in evidence? Dr. Seidl, you know quite well what "put in evidence" means. Has it been put in evidence? Does it have a USA Exhibit number?

DR. SEIDL: No, it hasn't got a USA Exhibit number.

THE PRESIDENT: Then you are offering it in evidence, are you?

DR. SEIDL: I don't want to formally submit it in evidence I merely want to communicate the contents of that affidavit to the witness to ask him a question on it.

THE PRESIDENT: But it is a document, and if you are putting it to the witness, you must put it in evidence and you must give it an exhibit number. You can't put documents to the witness and not put them in evidence.

DR. SEIDL: In that case, I submit the document as Exhibit Frank No. 1.

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BY DR. SEIDL:

Q I now ask you, witness, whether the contents of this affidavit are correct, and whether you are proposing to supplement the affidavit.

A Yes, I should like to do so briefly.

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It is possible that I have been to see Kaltenbrunner twice in connection with that question--not only once--and after Kaltenbrunner had refused to release these people, on the second occasion, I had, on the strength of my experiences in the Camp of Pruszkow with the camp commandant, the impression that it wasn't a question of Kaltenbrunner's jurisdiction or that he could order such a release. He didn't talk to me about that.

Q But you gathered that impression from the way he talked, namely, that he himself did not have the power to release those people?

A During those conferences I had mentioned questions of the policy in Poland, and I had the impression,based on these conferences, that I might gain Kaltenbrunner's interest in a reasonable policy for the Poles and I might make him my ally against Himmler. At any rate, he condemned the methods of force which were used by Krueger when he talked to me. I gathered from these statements that Kaltenbrunner did not want to see methods of force employed against the Poles and that he would have helped me if he could.

Q The Soviet Prosecution has submitted document USSR 128. It is a teleprinted letter from the intelligence department of the higher SS and police leader East addressed to the Governor General and refers to the governor of Warsaw, Dr. Fischer. Under No. 2 you will find the following statement.

Obergruppenfuehrer con Dem Bach has received a new task--to pacify Warsaw; that is to say, that Warsaw must be leveled to the ground during the war. Since this would be against the military interests, all raw materials, all textiles, and all furniture is to be cleared out of Warsaw first. The main task will fall to the civil administration. I herewith inform you that this new Fuehrer regarding the leveling of Warsaw will have the greates significance for the policy towards the Poles in the future.

As far as you can recollect, how did the Governor General receive that letter? How did he understand it? And how far did his basic views alter on the strength of that letter?

A This teleprint was referring to instructions which von Dem Bach had received from the Reichsfuehrer SS. The administration in the Governor General did not receive the destruction of Warsaw favorably. To the

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contrary, I remember that together with the Governor General it was discussed which ways might be used to avoid the destruction of the town of Warsaw. Just what channels were used in practice is something I cannot recollect. Maybe further steps weren't taken because of the impossibility of achieving anything.

Q I now turn to another subject.

THE PRESIDENT: We might adjourn now for ten minutes.

(A recess was taken.)

DR. SEIDL: Before I continue the interrogation of Dr. Buehler, I should like to point out that I forego the interrogation of the witness Kraffczyk. I forego the interrogation of the witness Helene Kraffczyk, so that this witness is going to be the last one.

THE PRESIDENT: Thank you.

BY DR. SEIDL:

Q Witness, the Defendant Dr. Frank has been accused by the prosecution that he had not done everything within his power in order to improve the nutritional conditions within the Government General. What can you tell us about that?

A The decisive reason which determined the supply conditions of the population in the Government General and why they could not be as satisfactory as in Germany is to be seen in the lack of cooperation by the Polish population in the measures taken by the Germans in order to bring about a just distribution of food quotas. This lack of cooperation came from patriotic reasons, and it was caused by the resistance against the German domination and by continuous propaganda from the outside. I do not believe that there was a single country in Europe where so much pillaging and so much black market was going on, where so much was destroyed, so much sabotaged, in order to sabotage the nutritional conditions, as happened in the Government General.

To give one example: All the dairy machinery which had been brought into the Government General with great pains and the large system of dairies were again and again destroyed, so that a somewhat satisfactory distribution of milk could not take place. I estimate that whatever there was on the free market and the black market and was

H0114 - 0025

turned over in the way of fats was much more than could have been distributed by official functionaries.

Another decisive reason can be seen in the fact that the Government General was taken out of an economic unit--had been cut out of an economic unit--without which a proper economic balance could have been established.

H0114-0026

The large centers in the Government General, that is to say, the cities such as Warsaw, Cracow, Lemberg, and the industrial areas in the center of Poland, had previously been dependent to a large extent on the surrounding country, on the peasants, for their food. There was now in this area a lack of grain, a lack of storage facilities of all kinds.

In order to make possible a balanced economy by the government, the government of the Government General had to try to reconstruct all these missing establishments, and therefore the supply of the population was increasingly difficult. It wasn't intdended to supply them fully right away but to improve it gradually. I have always seen to it that in whatever directives were issued against the Black Market margins were provided for the acquisition of foodstuffs, and that the population of the cities should have the possibility of finding a way to the producer.

In 1942 it was intended that the rations should be increased, but an order came from the Plenipotentiary for the Four-Year Plan which ordered not to improve the rations, not to increase the rations, but to send certain quotas of foodstuffs to the Reich. All these foodstuffs in fact were not taken from that area, but they were used up by the armed forces right there.

The Governor-General fought a permanent struggle against the officials of the Four-Year Plan for improvement of the food supply conditions of the Polish population. That struggle was not without success. In many cases it was possible to increase the rations, especially of the workers in armament industries and other privileged groups of the working population, to a considerable extent.

In conclusion I want to say that for the population of the Governor General it was not easy to get the daily needs. On the other hand, in the Government General there were no famines and no epidemics. A Polish and Ukrainian Committee which had delegations in all districts of the Government General worked out a program for the supply of foodstuffs for those parts of the population in greatest need. I have intervened that this committee shoul

H0114-0027

be supplied with the greatest possible amounts of foodstuffs, in order to have the greatest possible success in its welfare actions, and it is known to me that that committee took special care of the children of large cities.

Q. Witness, what were the measures that the Governor General took to safeguard art treasures in the areas under his administration?

A. Already with the decree of the 16th of December 1939 the Reichs Leader SS, in his capacity as Reichscommissioner for the Security of Germandom, without knowledge of the Governor General, confiscated all art treasures of the Government General and ordered that they be transported into the Reich. The Governor General was successful in preventing that transport or most of it.

In the Government General later on a man appeared from the Plenipotentiary for the Four-Year Plan, State Secretary Muehlmann, who claimed that he had the authority from the Plenipotentiary for the Four-Year Plan. I asked to see that authority. It was signed, not by Goering himself but by a man of his surroundings, Kritzbach. He was charged with the task of securing the art treasures of the Government General; and in order to tie this man with the Government General, the Governor General charged him with the safeguarding of this art treasures of the Government General.

He collected these art treasures and had catalogs printed, and I know from conferences which took place with the Governor General that the Governor General always placed the emphasis on the fact that these art treasures should stay within the area of the Government General.

Q. The Prosecution, under No. U.S.A. 378, that is Document 1709-PS, submitted a report about the entire activity of the Special Plenipotentiary for the safeguarding of art treasures in the Government General. On page 6 of that report we read, and I quote:

"The reason for investigation task of the State Secretary of the Government General of the 30th July 1942: to examine and investigate the entire activity of the Special Plenipotentiary for the safeguarding and securing of art treasures in the Government General."

I ask you now what caused you in 1942 to give this order for investigation, and did the report lead to serious objections?

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A. The reason for that investigation caused a collision of duties for me between the job given to me by the Reich and by the tasks entrusted to me by the Governor General. I had also heard that several museums did not take care properly of several of their art objects. The result of the investigation was that the State Secretary, Muchlmann, could not be blamed in any way.

Q. The Prosecution has submitted another document, 3042-PS, U.S.A. Exhibit 375. It is affidavit by Doctor Muchlmann, and I quote:

"I was the Special Plenipotentiary of the Governor General of Poland, Hans Frank, for the safeguarding of art treasures in the Government General October 1939 until September 1943. The task was given to me by Goering in his function as chairman of the Reichs Defense Counsel. I confirm that it was the official policy of the Governor General, Hans Frank, to safeguard and secure all important art treasures, official installations, private collections, and as much as belonged to the Church of Poland. I also confirm that the art objects mentioned were actually confiscated, and I am aware that in case of a German victory they would not have remained in Poland, but would have been used for the completion of German art collections."

I ask you now: Is it correct that the Governor General from the very beginning considered all art treasures which had been secured as property of the Government General?

H0114-0029

A As much as they came from official property of the state, yes. As far as they had been in a property, they were secured; but never did the Governor General think of transferring them to the Reich. If he would have wanted that, he could have used the situation of the war to send these art treasures to Germany. But where that witness get his knowledge from, I do not know.

Q The Prosecution submitted a document L-37, under Exhibit USA 506. It is a letter of the Commander of the Security Police, the SD, for the District of Krakow, to the District Tomaszow, of the 19th of July, 1944. There we read, among other things, and I quote:

"The Higher SS and Police Leader Ost issued the following order:"

I skip a few sentences and quote:

"The Reichsfuehrer SS has, with the approval of the Governor General, ordered that in all cases where attempts at assassination at Germans were made or where vital installations were destroyed, not only the culprits should be shot but, beyond that, all men of the family should also be executed, and women over sixteen should be sent to concentration camps."

It is known to you whether the Governor General ever spoke about this problem with the Reichsfuehrer SS and whether he had given his approval?

A I know nothing about an order of that kind. During the second half of 1944 once an order about the responsibility of families came through, but I could not say now whether that was concerned with the Reich or with the Government General, a police order I would say. However, if that formula --

Q Was it with the approval of the Government General?

A If such an order had contained that formula, then I would have questioned the Governor General on that point.

Q Would an approval at that time be consistent with the attitude of the Governor General?

A The principal attitude of the Governor General was to the contrary, against all executions without trials and without reasons.

Q Is it correct that the Governor General, already since 1940, made objections to the Fuehrer about the measures of the Police and the SD?

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A Yes; I myself have seen at least half a dozen of memoranda, either directed to the Fuehrer or via the Chief of the Reich Chancellory. I have written these letters myself, which contained objections against executions; against perpetrations which had to do with the recruiting of workers; about the displacing of populations from other areas without the approval of the Governor General; and about the conditions of nutrition, about happenings generally which were contrary to the principles of an orderly administration.

Q The Prosecution submitted one of these memoranda under thenumber USA 610. That is thememorandum to theFuehrer of the 19/6/43. Is this memorandum essentially different from any other memoranda which you have seen; and what was the reaction of the Fuehrer to such objections?

A This memorandum is somewhat different. The former memoranda were straight objections against these happenings, against theperpetrations by the Police. After these memoranda remained unsuccessful, upon the order of the Governor General, I made theobjections which are contained in this memorandum in the form of a political suggestion. The perpetrations mentioned there were not caused by the Governor General, but they were objections against the meddling of other officers.

Q In the diary we find on the 26th of October'43, a report about four years of German reconstruction in the Government General which you, yourself, have made. On the basis of what material did you compile that report?

A I compiled that report on the basis of the material which the thirteen main departments of the Government had given me.

Q Now a principle question. What was in principle the attitude of the Government General to the Polish and Ukrainian people, as you have come to know it during your five years' activities as Chief of the Administration?

A The major principle was to keep the peace in that area and to improve the advantage taken from this area by increasing the substance. In order to achieve that, a decent treatment of the population was necessary, no restrictions on freedom and property. Those were the principles of policy according to which, upon the orders of the Governor General, I have

H0114-0031

always acted as chief of the administration.

Q Is it correct that the Governor General tried within the framework of conditions to grant to the population a certain minimum of cultural freedom and development?

A That was the desire of the Governor General, but the realization of this desire found a great deal of resistance on the part of the Security Police, the Propaganda Ministry of the Reich, or also mainly from conditions; but the Governor General intended to see to it that the Polish and Ukrainian populations should not be excluded from cultural activities.

Q Is it correct that he was particularly concerned to reestablish the higher schools and that, therefore, in disregard of directives of the Reich, he established the so-called trade courses and higher schools?

A As far as trade schools are concerned, Polish professors taught in Warsaw and Lemberg on the principles of college teaching. As a matter of principle, the Governor General also intended to open gymnasiums, middle schools, seminaries for priests, but it always failed due to the objections of the Security Police. Since no compromise could be made, in October '44, upon the orders of the Governor General, on my own I directed the opening of high schools and seminaries for priests with a certain amount of money for the Poles. Two days after the publication of that directive, I was told, and it was transmitted to me as the opinion of the Fuehrer, that I had gone beyond my authority.

Q Dr. Frank has spoken about the principle of the unity of administration and about the fact that the Governor General was thedeputy of the Fuehrer and the deputy of the authority of theReich. Was this according to facts, and what other offices of the Reich and the Party meddled into the administration of the Governor General?

A The authority of the Governor General from the very beginning and in many important fields was limited. So, for instance, before the establishment of the Governor General, the Reichsfuehrer SS had received powers for all occupied territories to be concerned about the strengthening of Germandom. The Plenipotentiary for the Four-Year Plan also had authority in the Government General, but many other offices, as the armament industry,

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railroad, building industries, and other fields tried, and tried successfully, to acquire influence in the parts of the administration of the Government General. After the Governor General lost his offices as Reichsleiter in 1942, there was a great rush in that direction. I would like to say that there was a sort of enthusiasm to tear parts off the crown of the king of Poland.

Q Who appointed the police officials in the Government General and who paid them and who took care of them?

H0114-0033

A Exclusively, the office of Himmler in Berlin.

Q Is it correct that functionaries of the Government General were arrested by Krueger and that it wasn't even possible for the Government General to achieve their release. I remind you of the case of Scipessi.

A Yes. Well, that I can confirm from my own experience. Even some people who were around me were arrested without my being notified. In a case like that, I would send an ultimatum to the commander of the Security Police to release the functionary and when he was not released and I demanded the recall of that official of the Security Police, the result was that Himmler expressed his special confidence in his functionaries of his police.

Q Witness, how long did the Government General have the possibility to work under normal conditions?

A I should like to say, never, at no time at all. During the first year we were too busy to reconstruct destroyed villages, destroyed cities, destroyed means of transportation; bridges had been blown up in large numbers and after these destroyed objects, as far as it was possible during the war, were repaired, the Government General was already an area of deployment for the war against the East, against the Russians, and then an area through which troops marched to the front and rear area. It was the great workshop, repair shop for the front.

Q During the war, Himmler presented to the Reichsregierung the draft of a law about the treatment of foreign elements. What was the attitude of Dr. Frank toward the draft?

THE PRESIDENT: The Tribunal thinks that the matters which the witness is going into are really matters of common knowledge. Everyone knows about that. I think you might take the witness over this ground a little bit faster than you are.

DR. SEIDL: Yes, sir. He gave the answer already.

BY DR. SEIDL:

Q Witness, during the war ---

THE PRESIDENT: But I am speaking for the future, Dr. Seidl.

DR. SEIDL: Yes, sir.

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BY DR. SEIDL:

Q During the war, Himmler submitted to the Reichsregierung the draft of a law for the treatment of foreign elements. What was the attitude of the Governor General?

A The Governor General protested against this and in the event of a conversation with Heydrich in February 1942, Heydrich told me, as a special mission, to try to have the Governor General retract his protest against that law. The Governor General refused.

Q The prosecution haspresented a chart which shows Dr. Frank as having authority over the Reich Minister of Justice. Did such a relation or such a channel exist?

A That must be an error; such a thing never existed.

Q According to your observations, what were the relations between the Governor General and the Reichsfuehrer SS Himmler?

A The Governor General and the Reichsfuehrer SS Himmler, as individuals, were so different.

THE PRESIDENT: Dr. Seidl, I thought we had been hearing what the relations were all morning, between the Governor General and the Reichsfuehrer.

DR. SEIDL: Yes, I will not put that question.

BY DR. SEIDL:

Q Witness, the Soviet prosecution, under No. USSR 93, submitted an annex to the report of the Polish Government and that annex describes the cultural life in Poland. I have shown it to you once before and would like you to tell me whether in fact the Governor General or his Government ever issued such directives?

A I do not remember having signed such directives or having seen any of these directives signed by the Governor General. The document which has been shown to me, seems to me to be a forgery, a misinformation, and it can be recognized as such from its contents.

Q In the diary, we find a large number of entries referring to the policies of the Governor General and which are in contradiction to what you said before as a witness. How can you explain these contradictions?

A These statements by the Governor General do not only seem to be

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in contradiction to what I said, but they are actually in fact in contradiction to what I said here and am going to say as a witness. Since I have heard these statements frequently myself, I tried to figure out how he came to them and I can only say that Frank probably, more than necessary, took part in the conversations, the discussions of the Government officers. There was hardly ever any conversation or meeting in which he did not take part and that was the reason that he had to speak very often--- many times during one day, and I would like to say that in 99% of all cases he spoke without preparation; he improvised, and just upon his temperament, and frequently I witnessed that he made such grotesque statements and retracted them again in one of the following sentences or at the next opportunity and tried to straighten him out, and I also witnessed how he retracted authority which he had given to someone. I am sure that if I could go through it, I could give you a dozen statements to the contrary upon each one of these.

Q The diary ----

A May I still say the following? If the Governor General was to go with the members of his administration, he never made any such statements--- at least, I cannot remember it. These statements were always made when the Higher SS and Police Fuehrer was sitting next to him, so that I had the impression that in such moments he was not free.

H0114 - 0036

Q The diary of the Defendant Dr. Frank has about ten to twelve thou-sand typewritten pages. Who kept this diary -- he, himself, or somebody els

A According to my observations, that diary was kept by stenographer first by stenographer Dr. Meitinger; later by two stenographers, Kauk and Mohr, and it was kept in that manner, that these stenographers during the conferences, were in the room and took notes.

Q Is it correct that these stenographers sometimes get reports from other sides about what had been spoken, had been mentioned at the conferenc

A I have often notices that these stenographers did not take pains to jot down literally everything but only put down conclusions, according t the sense. I have also experienced that I was asked as to what the Governor General had meant in any particular instance.

Q Did the Governor General read these diary notes later?

A As I know the Governor General --

THE PRESIDENT: How can this witness tell whether he read the notes later?

DR. SEIDL: Mr. President, the witness, Dr. Buehler, was the closest collaborator.

THE PRESIDENT: If you wanted to put that sort of question, you should have asked the defendant Frank.

BY DR. SEIDL:

Q A further question, witness. According to your observations, what caused the Governor General not to destroy that diary but when he was arrested to turn it over?

A On the 15th of March.--

THE PRESIDENT: That, again, is a matter which rests in the mind of Dr. Frank, not of this witness, why he did not destroy it.

DR. SEIDL: He answered the question already, and I am not going to put that question any more.

BY DR. SEIDL:

Q Now, one last question. In 1942, following the speeches made by Dr Frank, he was deprived of all his Party offices. What were the consequences for his position as Governor General?

H0114 - 0037

A I have also referred to that. It weakened his authority considerably and the administration in the Government General became increasingly difficult.

Q Is it correct to say that the Governor General repeatedly in writing or orally has offered his resignation?

A Yes; applications for his resignation, I have frequently written myself and I know that he has asked for it also frequently.

DR. SEIDL: I have no more questions.

THE PRESIDENT: Do any other defendants' counsel wish to ask any questions?

DR. SERVATIUS: Dr. Servatius, for Sauckel.

BY DR. SERVATIUS:

Q Witness, is it correct that the largest and greatest majority of the Polish workers who came to Germany, came before April 1942, into the Reich, that is, before Sauckel got into office?

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A. I could not make any definite statement about that, but I know that the recruitment of labor went on with lesser and lesser results, that the main quotas probably came during the first years.

Q. The quotas of labor which had been demanded by the Governor General, were they reduced by Sauckel in consideration of the fact that so many Poles were already working in the Reich?

A. I know of one case, yes; the deputy of Suackel talked to me about it, President Strube.

Q. Is it true that from the Polish area, Himmler for his own purposes recruited workers, and that is to say, without knowledge of Sauckel and without sticking to the directives which Sauckel had issued?

A. I assume that that happened. Whenever I was told about raids against workers, I tried to clear those up, and the police said "That is the labor authority," and the labor people said "It is the police." But I know that once at a visit in Warsaw he has spoken about the loafers standing around, and I consider it quite possible that these raids, these manpower raids in Warsaw, occurred without cooperation and without information of the labor authorities by the police.

Q. Do you know about the directives by Sauckel?

A. I have not seen them in detail, and I don't remember them very well. I only know that Sauckel had stated on the occasion of a visit in Cracow that he had not ordered any violence.

Q. Was that a speech, an address?

A. No; that was a conference.

Q. Do you recall an address which Sauckel made in Cracow to the various officials?

A. He spoke as a Party speaker.

Q. Did he say anything about the treatment of the workers at that occasion?

A. These statements were made in a conference which preceded the visit to the Governor General.

Q. And what did he say?

H0114-0039

A. My people had told him, and his people, that arrests had occurred, and he answered that as far as he was concerned he had not ordered any violence, and disputed definitely that arrests of people from movies or other places of assembly had ever been ordered or caused by him.

Q. Do you know the structure of the labor administration, manpower administration, in the Government General?

A. The manpower department was part of my field.

Q. Did Sauckel have any immediate influence into the execution?

A. He not only had influence, but he sent a plenipotentiary who was not under my authority.

Q. Was it possible for that plenipotentiary to go about with the recruitment?

A. If he wanted, yes.

Q. In what manner? Could he give any directives or immediate orders?

A. The recruitment columns were not under my authority. They had been established by Sauckel. I have tried on several occasions to get these people within my organization, and these attempts were always counteracted with the argument that these recruitment columns had been put in action in all the occupied territories, that they could not be tied down to one particular area.

In other words, the plenipotentiary of Sauckel in the Government General was in charge of the main department; Labor President Strube was on one hand dependent on the directives of Sauckel, on the other hand, he was also subordinate to me and responsible to me as far as he acted as president of the main department, Labor.

Q. This forced recruitment that was necessary -- with what personnel was that done? Could the recruitment columns do that?

A. I do not know that. The plenipotentiary always disputed the fact of forced recruitment.

DR. SERVATIUS: I have no more questions.

THE PRESIDENT: Do any of the defendants counsel wish to ask questions? Does the Prosecution desire to cross examine?

H0114-0040

BY COLONEL SMIRNOV:

Q Mr. Witness, I would like to learn just exactly what was your official position in 1940, from 1940 and up to the moment of the liberation of Poland. Were you Frank's first deputy?

A From the beginning with the end of September until November 1939, I served the Governor General in a leading position in his staff. In November 1939, I became chief of the office of the Governor General, that is, the Central Administrative Office of the Governor General, in Cracow. During the second half of the year 1940 the designation of that function was changed into State Secretary of the Government, and I was Secretary of State of the Government General until I left Cracow on the 18th of January 1945.

Q In that case you were the first deputy of Frank. That is, when he was absent you would take his place.

A My field was definitely limited. I had administrative matters to take care of. Under my authority were not the police, the Party, not the armed forces, and not the various Reich offices within the area of the Government General. The deputy of the Governor General was Seyss-Inquart, Reichsminister Seyss-Inquart.

Q And after Seyss-Inquart left?

A After the departure of Seyss-Inquart there was a vacuum, and I could not state the month any more, but, I think in 1941 I was designated the deputy of the Governor General, but that appointment was only made with modifications. I was supposed to be the deputy of the Governor General only when he was neither present in the area nor --

Q (Interposing) Please do not describe it in such detail. Answer me briefly. When Frank left, who took over his duties?

A I answer in the way my conscience tells me to. Whenever Frank was not in the area and could not be reached outside of the area, then I was supposed to be his deputy.

Q I understand. In that case you took his place when he was away. Correct?

A Yes, whenever he could not be reached outside either, outside of the area.

Q Yes. That is just what I asked you about. I would like the defendant to be shown the stenographic report of a conference of the 25th of January, I believe it is, which includes the list of those who were present. The Tribunal will find the place which --

THE PRESIDENT: What year? You say the 25th of January.

COLONEL SMIRNOV: 1943. The Tribunal will find it on page 27. USSR 232, paragraph 6.

BY COLONEL SMIRNOV:

Q That is your signature there among the list of those present?

A My signature, yes.

Q That means you were present at that conference.

A 1943, yes.

Q I shall quote three sentences. Please give the defendant the original. Quoting three sentences from the speech of Dr. Frank:

"I would like to emphasize one thing. We must not be too soft when we hear about 70,000 persons being shot. These persons are also victims of the war. Let us think, first of all, of us who are here on the list of war criminals of President Roosevelt. I have the honor of being war criminal number one on that list, which means that we are now conspirators on the scaleof world history."

Your name is mentioned second on the list of those present. Do you think that Frank had considerable reason to consider you one of the very active war criminals on that list?

A About such statements of the Governor General I have said all that is necessary.

THE PRESIDENT: Witness, that is not an answer to the question The question was, do you consider yourself to be one of those criminals?

THE WITNESS: I do not consider myself a criminal.

BY COLONEL SMIRNOV:

Q If you do not consider yourself a war criminal, will you then recollect who personally -- I emphasize the word "personally" -- was quite active in conducting one of the most cruel operations with regard to the Polish population? I am talking about the decree of the 2nd of October 1942. Were you not one of the participants and perpetrators of that decree?

H0114-0042

A Which measures? Which decree? I would like to be shown it.

Q I am talking about the decree signed October 2, 1943, USSR No. 335, the decree about introducing special courts martial conducted by the secret police.

A The draft of this decree did not come from my office or my field of influence.

Q You deny your participation in perpetrating and putting into effect that decree?

A Yes. The decree comes from the police.

COLONEL SMIRNOV: The place which I want to quote, Mr. President, you will find on page 35, the fourth paragraph of the document I mentioned, the USSR document.

BY COLONEL SMIRNOV:

Q Were you not the person who, together with Dr. Weh, at the time when even Frank was indecisive about signing that decree, tried to convince him to sign that decree introducing frankly terroristic measures and legalizing police authority?

Quoting page 1012 of the minutes of the conference taken by Dr. Buehler and by advisor Dr. Weh:

"The subject of the conversation is the draft of a decree re the combatting of attacks on the German work of reconstruction in the General Government, submitted to the Governor General by Dr. Weh.

"After a short explanation by Secretary of State Dr. Buehler and Dr. Weh, the Governor General withdraws his objections and signs the draft decree."

Were you not the person?

A I ask the interpreter to repeat the question.

Q I am asking you: Were you not the person who influenced Frank to sign that decree as quickly as possible?

A No.

Q No. That means the minutes are false?

A No.

Q In that case, how do you expect me to understand you?

H0114 - 0043

A Yes, I can explain that. The draft for that decree had been made by SS Oberfuehrer Bierkamp and had been presented to the Governor Genera. The Governor General --

Q (Interposing): Will you please --

THE PRESIDENT (Interposing): He is in the middle of his answer. You must let the man answer. What were you saying? You were saying the draft had been made by somebody?

THE WITNESS: The draft had been submitted to the Governor General by Bierkamp who had just come into the Government General. The Governor General returned it to him and gave him the order to have it modified in the legislati department, and when it was presented to the Governor General, the objections of the Governor General were as to whether the legislative department had worked it out or not. I cannot assume the material responsibility for this draft, and I did not have to.

BY COLONEL SMIRNOV:

Q In that case, you simply explained to Frank that the project of the decree had not yet been sufficiently worked out, is that it?

A Yes, by the legislative department.

Q And after that the Governor General signed the decree?

A Apparently.

Q Were you not the person who, at the meeting of the 23rd of October, 1943, when a letter of Count Ronokier was discussed, mentioned the practical implications of this cruel decree of the 2nd of October, stating that the application of the decree would allow, in the future, the masking of shooting of hostages and would give the shooting of hostages a legal cover, so to speak?

A I ask that the question be repeated. I only understood part of it.

Q Were you not the person who, at the meeting of the 23rd of October 1943, spoke about the practical implications of the decree of the 2nd of October, stating that it would allow masking the shooting of hostages as that would then be covered by a legal decree, so to speak?

A It is not quite clear to me. May I repeat what I understood?

H0114-0044

Q If you please.

A You want to ask me whether I was one, who at the occasion of a conference on the 23rd of October, 1944 --

Q 1943.

A 1943. Who, at the occasion of a conference on the 23rd of October 1943 stated -- stated what?

Q You stated that by the application of the decree of the 2nd of October, the shooting of hostages would be properly covered up by a --

A No, no. I did not make a statement of that kind.

Q The place which I want to cite now is in USSR Exhibit 223, the fourth paragraph. Quoting your words:

"Secretary of State Dr. Buehler considers it necessary to sentence in advance by court martial those Poles who are to be shot. One must also in the future avoid calling these Poles hostages, for the shooting of hostages alarms public opinion abroad and especially prejudices the world against the conduct of the Germans in the Government General."

A Yes, I said that, and that also meant that I objected and wanted to object against the executions without trial.

Q In that case, do you consider trial by a court consisting of Gestapo officials as justice, not insult, not mockery?

A Which court do you refer to? I pleaded for courts martial.

Q That is what I am talking about, Standgericht consisting of the officials of the Gestapo in accordance with the decree of October 2.

A I can give you information about the reasons which may have led to that aggravation of the court martial order of 2 October, so you can understand how he came psychologically to that decree. May I do that?

Q I am not particularly interested in the psychology of it. What I want to know is whether a court consisting of the officials of the secret police can really be called a court, whether it isn't an insult to the very idea of a court of justice?

H0114 - 0045

A The military courts had to be definitely named according to the decree. I am not of the opinion that a court, simply because there are only police individuals in it, should not be considered a court.

But what you have held against me now are these statements I did not make in regard to the decree of the 2nd of October. Generally, I demanded trials and regretted the shooting of hostages, considered it a very regrettable fact.

Q You have avoided answering my question directly. Perhaps you will look at paragraph 3 of the decree which states of whom the court was to consist, paragraph 3 and paragraph 4. Quoting paragraph 4:

"The courts martial carried out by the Security Police are to consist of one fuehrer of the SS who also belongs to the administration of the security Police, and of two other assistants belonging to the same organization."

Do you not consider that such composition of courts, or courts martial of that kind, would result almost invariably in executions?

A Did you ask me?

Q Yes.

A Whether I considered that a court? I mean, you ask me about things which did not come from my field of work. I could not say anything as to why the courts were named like that, and I could not say anything about it.

Q Perhaps you will look at the signature under that decree. It is signed by Frank, and it was you specifically who tried to convince Frank to sign that decre

A I thought before that I had corrected that error. I did not convince Frank to sign that order. I told him that that order was worked out in the legal department, and therefore I have to reject any responsibility for that order, because it did not come from within my province.

Q I shall pass on to another question. Do you recollect the first results of the decree? Specifically, do you remember at all the report of Obergruppenfuehrer Bierkamp at the conference of the 27th of October 1943? Do you remember anything about that?

A I do not remember without any document.

COLONEL SMIRNOV: The place I would like to cite, Mr. President, can be found by the Tribunal on page 36 of our document, in the last paragraph of the text, Quoting: "The Security Police had many people in its hands who h committed punishable acts since the 10th October on the basis of the decree of

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that date. These people were condemned to death and shot as an expiation for crimes. The population was informed of their names by means of posters and was told that such people could expect pardon if no further murders of Germans took place. For one murdered German, 10 of these Poles were executed and the same thing was done with the Ukranians."

Does that not mean from the first days of the introduction of Frank's decree, it was merely a cover for mass executions of hostages and others similarly placed persons?

A No.

Q Then what does this sentence mean:

"For each slain German, 10 Poles not directly connected with the crime will be executed." What does that mean?

A It says that 10 Poles should be shot who had committed crimes punishable by death, and who would be sentenced to death. It is possible that these Poles were designated as hostages, were called hostages.

Q That means the decree was a cover for executing hostages, does it not?

A No, it was rather so that real shootings of hostages did not occur any more. Real shootings of hostages is shooting of people who are not criminals, who are innocent, and who are shot on account of an act committed by someone else.

THE PRESIDENT: Do you think this will be a convenient time to break off?

(A recess was taken until 1400 hours.)

H0114 - 0047

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 23 April, 1946, 1400-1700, Lord Justice Lawrence, presiding.

THE PRESIDENT: The Tribunal has heard with the deepest regret of the death of Chief Justice Harlan F. Stone of the Supreme Court of the United States of America. His loss will be most deeply felt in America where he had proved himself to be a great public servant. But it is fitting that this Tribunal, upon which the representatives of the United States sit, should express its sympathy with the American people in their great loss.

After serving as Dean of the Law School of Columbia University he was appointed Attorney General of the United States in 1923 and two years later he became an Associate Justice of the Supreme Court. In 1941 he became Chief Justice and discharged the duties of that high office with great ability and in accordance with the highest traditions.

The Tribunal desires that I should express its sympathy in acknowledgement of the great loss the American people have sustained.

Mr. Justice Jackson, the Chief Prosecutor of the United States, is a member of the Supreme Court over which the Chief Justice presided and perhaps he would like to add a few words.

MR. JUSTICE JACKSON: May it please the Tribunal:

It is not only because he was the head of the judicial system of the United States that the news of the passing of Chief Justice Stone brings sadness to every American heart in Nurnberg but because he was the personal friend of so many of us. He had a rare capacity for personal friendship. No one was more kind to and thoughtful of younger men who from time to time came to Washington and they found in him guide, philosopher and friend.

Now, I know that not only do I feel the loss of a personal friend but that the American representatives to the Tribunal, Mr. Biddle and Judge Parker, feel the same way and many of the younger men on the staff had intimate contact

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with the Chief Justice which you might not expect if you had not known Harlan Stone.

As Attorney General he took over the Department of Justice at one of its most difficult periods and imparted to it the impress of his integrity, an impress which stayed with it and was traditional in the department, as we all know.

As a Justice of the Court he was a forward-looking man, open-minded, always patient to hear the arguments of both sides and to arrive at his decision with that complete disinterestedness and detachment which is characteristic of the just judge. He presided with great fairness and with kindness to his associates and to those who appeared before him.

It is the passing of a man who exemplified in public life those sturdy qualities which we have come to associate with the New Englander.

The consolation of his friends lies in this: He died exactly as he would have chosen to die, in full possession of his faculties and in the discharge of his duties.

I express great appreciation that this Tribunal has seen fit to take note of his passing and to allow us to record on behalf of the American Bar our appreciation of his talents and character.

THE PRESIDENT: Colonel Smirnov.

COLONEL SMIRNOV: Before asking further questions of the witness I would like to make the following announcement.

In the questions put by Dr. Seidl it was stated that the document was false which is the official appendix to the report of the Government of the Polish Republic in the field of cultural valuables.

The Soviet Prosecution does not feel that it can say anything more about this but would like the Tribunal to note that this is an official appendix to the official report of the Government of the Polish Republic and thus can hardly be doubted.

May I continue with my questions now, please?

THE PRESIDENT: Did you say anything then?

WITNESS BUEHLER: I was going to ask something. Was it a document that

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contained a list of art treasures?

THE PRESIDENT: Is that the document, Colonel Smirnov, a document which contains a list of art treasures?

WITNESS BUEHLER: No, I do not mean that.

COLONEL SMIRNOV: No, Mr. President, it refers to the loss relating to cultural valuables, such as a list of libraries and similar damage.

THE PRESIDENT: It is U.S.S.R. 93, is it not, the document you are referring to?

COLONEL SMIRNOV: It is an appendix to the document U.S.S.R. 93.

THE PRESIDENT: Yes, It deals with certain directives. That was the evidence that was given this morning.

COLONEL SMIRNOV: This is a list of cultural losses, an official appendix. It does not conatin directives but gives the financial sums which have been suffered by the public libraries of Poland.

THE PRESIDENT: Is there anything you want to say about it?

WITNESS BUEHLER: Yes; I do not think the description just given applies to the document which I had in mind. The document which I doubt contains directives regarding the cultural policy on Germany's part in the Government General. It does not concern itself with art treasures, or a listing of library property.

THE PRESIDENT: Yes. What I took that you said this morning was that the directives which you thought were referred to in the document did not appear to have been made or at any rate you had not heard of them and you thought they might be forgeries.

WITNESS BEUHLER: I doubted the document, yes.

THE PRESIDENT: The Tribunal will consider the document.

COLONEL SMIRNOV: May I ask the next question?

THE PRESIDENT: Yes.

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JOSEPH BUEHLER -- Resumed.

CROSS- EXAMINATION--Continued.

BY COLONEL SMIRNOV:

Q You have shown that you personally and at the invitation of the government general had no direct connection with the actions undertaken by the police; is that right?

A May I hear that question again, please?

Q You affirm that you neither personally nor the administration of the government general had close connections with police actions. Have I understood you correctly?

A We had daily contact with the police, but we had considerable differences of opinion. Apart from that the police were not under my jurisdiction; the chief of the police was in no way under my orders.

Q In that case the police were not included in your duties?

A No, it was not one of my duties.

Q Very well. In that case how can you explain that no one but you especially has carried on successful negotiations with the police about successful utilization of the property of Jews who were executed in the camps? Do you remember those negotiations with the police?

A I didn't quite understand you. Regarding the what?

Q I am asking you this: If you had no direct connection with the police then how can you explain the fact that you, specifically you, were the person who was carrying on successful negotiations with the police about utilization of the Jewish property of the persons slain in the camps?

A I do not remember any such negotiations and I couldn't have conducted them The administration was of course that source which by orders from the Four Year Plan had to carry out the part to confiscate Jewish property.

COLONEL SMIRNOV: Mr. President, may I have the permission of submitting the document given to us by the American prosecution No. 2819-PS? The document describes the relationship between the government general and the economic department. It is addressed to Warsaw from Lublin. I am quoting the title of the document:

"The transfer of Jewish property to the administration of the government general.

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"I am informing you herewith that on the 25th of February 1944 in the presence of the state secretary Dr. Buehler and other higher authorities of theSS and the police Obergruppenfuehrer Korte as well as the departmental chiefs the question was discussed of the transfer of the property of Jews which is now in storage which will be transferred to the administration of the government general. The decision reached on the subject was that the transfer should take place in the near future. The property which has been confiscated by the security police and the SD shall be transferred directly into my department. Please get in touch with the Obergruppe and the police with regard to the procedure."

BY COLONEL SMIRNOV:

Q Tell me, now, even after this, you affirm that you had no dealings with the police?

A I had to work together with the police daily. I don't want to deny it for a moment, but I hadn't a right to give orders to the police.

Q In any case the property of the slain Jews of Poland, on the basis of your dealings with the police, was being transferred to the government general? On the basis of your negotiations with the police this property was transferred; is that not so?

A No, that is not correct. The property wasn't mentioned which originated from these Jews, but property questioned was property which was in a bad state originating from Jews, and which in accordance with decrees was being taken over by the police and removed from the jurisdiction of their administration.

Q But could the police of the SD be in possession of the property of the Jews who were not slain?

A Why not? Right from the beginning the police had taken over Jewish problems Subsequently they appropriated their property in a particular manner too.

Q Did the storehouse of Auschwitz also keep the property of the Jews who were not yet executed, who were still alive?

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A The storehouses which have been mentioned here aren't to be interpreted as being concentration camps; they were goods which were stored.

Q What were the other warehouses for, the property of the Jews kept in camps? What were the other storehouses?

A I didn't know what things looked like in concentration camps sinc I have never entered or seen one; but that the police were appropriating mobile Jewish property that is something I was told about. I was told about it by the chief of my trustee department.

Q I am asking you this: In 1944 when the death sentences on a large scale were applied what other storehouses were there for Jewish property except the storehouses for the property of the Jews already executed? Do yo know of any other storehouses, and if so where were they?

A The Jews were deprived of their property on the spot. That Jewish property was located in concentration camps is something I have never assumed since I didn't know anything about these camps at all. And where the police took that mobile property to that is not clear to me. But apart from that --

Q Please note the date, the 25th of February 1944. At that time in Poland were there Jews still alive in concentration camps or were the Jewis ghettos already quite emptied by that time?

A The Jewish ghettos were empty, but Jews were still alive; I know that, because one way or another they were being used in armament industrie Jewish property couldn't have been dragged out of the territory, it must have been somewhere in the government general, very probably near ghettos or wherever else the Jewish evacuation took place from. And this letter I emphasize does not concern stores which were in concentration camps, they were everywhere. Every place had somewhere some stores which originated fro resettlement of Jews, and their confiscated property.

Q The Jewish ghettos were already empty. In that case what happened to the Polish Jews if the ghettos were empty? --where were they?

A When these Jewish ghettos were emptied I assume they were resettl in the northeast of Europe, an intention of the chief of the RSHA which had been communicated to me the day of the conference in 1942 and stated to me emphatically.

H0114 - 0053

Q On the 25th of February 1944 how could the Jews be moved northeast Where to on the 25th of February 1944?

A According to that conference that was to take place in 1942.

Q The document is dated 1944, the 25th of February 1944. Please note. Now, could you tell me whether regarding the close contact between the Gestapo and the administration of the government general whether the Gestapo chiefs were present at every conference in the government general? Does not that testify to the close contact, and were there no special meetings in the government general relating directly to police questions?

A I had already mentioned at the beginning that the view of the general governor was that he should have juridiction over the police, but the explanation of the reason why the governor general repeatedly called the police to come and join negotiations doesn't exclude the fact that the police had their own way and used methods of their own.

Q Yes, it is clear. However, were there no conferences in the government general dealing directly and only with the questions of the police?

A Now and then, yes.

Q Very well. Will you tell me just when was Mr. Kreuger dismissed as chief of police and who was appointed in his place?

A As far as I can remember Krueger was removed in November 1943 and called away from his position at Cracow. He was replaced by Obergruppenfuehre Koppe.

Q What were your personal relations with the latter?

A After that the relationship with the police was quite hostile. Whenever the administration had a wish regarding police juridiction such wish was always turned down by Krueger. It occurred that when Kreuger had left Cracow I tried to work together with the new higher SS and police leader and establish a good relationship so that in this manner I could influence the work of t police and the methods employed by the police.

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Q Could you answer briefly just what were your personal relationships? Were they good, or were they bad? How would you define them?

A They were given the form of comradeship.

Q The place which I would like to quote how to show to the defendant is on page 38, second paragraph of the Russian translation. I am quoting. It is a note of Frank to Himmler of the 12th of February 1944. It begins like this:

"Immediately after the salutations, the Reichsfuehrer of the SS Himmler entered into conversation with me and SS Obergruppenfuehrer Koppe. From the very beginning the Reichsfuehrer asked me how I was cooperating with the new Secretary of State for Security, SS Obergruppenfuehrer Koppe. I said 'I feel deep satisfaction on the fact that between myself and SS Obergruppenfuehrer Koppe, as well as between Secretary of State, Dr. Buehler and him, there exists an extraordinarily comradely relationship and friendly cooperation.'"

Does that correspond to facts, Mr. Witness?

A At that time Koppe had been in the Government General only a few weeks. This statement confirms just what I had stated here at the beginning, namely, that after Krueger had been replaced by Koppe, I always tried to establish a relationship which was a comradeship, so that I could influence the police and the Government General through Koppe. So that there wasn't any friction superficially speaking.

Q And between Koppe and yourself there existed a most comradely cooperation; is that correct?

A I repeat, my relationships to Koppe were clothed in comradely forms. Apart from that, our daily problems brought me together with Koppe, so, for instance, there was the question of Jewish property. That was a question which one couldn't have possibly discussed under Krueger since he had the viewpoint that the entire Jewish property was belonging to the SS.

Q However, with Koppe taking over the position of the Chief of the Police, did anything change with regard to the Polish population? Were the Polish measures softened? Did they become less repressive with Koppe's arrival?

H0114 - 0055

A I believe they were milder, yes.

Q I would like you to look at the minutes of the conference of the 16th of December 1943. Please show the defendant the original. Incidentall is that your signature there? Is it your name there among those who were present? The list of names is on page 154.

A Government meeting, 16th December 1943? Yes, I signed that, that's right.

Q Do you remember who was Ohlenbusch?

A He is the president or was the president of the chief propaganda department.

Q In other words, he had direct connection with the police or with the police administration, or did he not?

A Ohlenbusch was a participant in government meetings during which the police was regularly present.

Q Yes, but he himself, in terms of his position, did he have any direct connections with the police or not?

A As an official of the State and chief of a department in the Government, he did of course have connections to the police, official connections.

Q He was an official of the civilian administration, however, was he not?

A Yes, of course. As far as his official position was concerned, he came under me.

Q I am quoting here a short extract from page 176. The members of the Tribunal will find it on page 38, paragraph 3. Page 33, I'm sorry.

"We must discuss the question of whether it will be wise to execute people in the same places where an attempt on the life of a German was made. We should also discuss the question whether it would not be possible to organize or establish special places for the executions, since it is established that the Polish population arrive to whatever places executions take place, collect the soil soaked in the blood of those executed, and take such little bit of soil to church."

Do you consider this question a police question, a question for police administration?

H0114-0056

A. It doesn't mention buckets of blood in my translation. It says containers. I don't think that blood flowed to fill buckets.

Q. No, no. We are talking here about containers or vessels into which the soil was placed. Do you not consider the question of organizing secret places for execution a purely police question?

A. I am of the same opinion. For this reason, this affair was by no means approved of. But perhaps I may add that at the same time German passers-through were daily killed when they were traveling through Cracow and Warsaw, and that this affair was brought about due to the excitement which was taking place among the German population at the time.

Q. I am asking you about something else, Mr. Witness. Do you not consider the fact that this question was discussed at the initiative of the police and that even the officials of the civilian administration had only indirect connection with this -- or was it otherwise?

A. No, I wouldn't way so. This wasn't suggested as a police measure. It arose from the threat from which the Germans were suffering at that stage, that period of the occupation.

Q. This question of the secret places for execution, did it arise at the initiative of Ohlenbusch, or do you deny that?

A. What do you mean, this question?

Q. Did it arise at the initiative of Ohlenbusch, or do you deny that?

A. I don't know whether this was discussed at all. In my opinion --

Q. (Interposing) Before you are the minutes of that conference at which you were present.

A. Yes. It is referring here to statements made by Ohlenbusch, if I am not mistaken. Yes, it mentions President Ohlenbusch in here, that's right.

Q. I am going on to the next question. Were there no reports read at the conference to Obergruppenfuehrer Koppe about the following? On page 34 in the second paragraph there is a quotation which I want to give. It is on page 180 of the text. Beginning quotation:

"For accidents on the railway there have been 150 persons shot and 50 Polish terrorists have been shot on the place of the crime for the death of one

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German official. However, we should take into consideration the fact that during the shooting of 200 persons, more than 3,000 persons were usually concerned, including close and distant relatives."

Do you not consider that evidence of the fact that when Koppe arrived, the same severe measures, the same barbarous measures, were taken in Poland with regard to the civilian population as previous to Koppe's arrival?

A. As far as this mentions the shooting of 150 and 50 people respectively this obviously doesn't concern the shooting of hostages, which never did have the approval of the Governor General or my approval. If I have nevertheless stated that in its entirety Koppe's regime appeared milder to me, then I must stand by that statement of mine.

Q. The shooting of the hostages was not approved either by you or by the Governor General; is that what you are saying?

A. They did not have my approval, and I don't think they had the approval of the Governor General.

Q. Will you please look at page 185, beginning quotation, "The Governor General --

A. Interposing) Just a moment; I haven't found it yet.

Q. "The Governor General expresses to Obergruppenfuehrer SS Koppe his gratitude for his total efforts in the field with which he is connected, and wants to mention that he is a great expert in the police matters. He promises to Obergruppenfuehrer Koppe the cooperation of all the departments of the Government General and wishes him success in his work."

How should we interpret this statement? In view of the answer you just gave before to the other question, how should we interpret this statement now?

A. This statement of the Governor General does not apply to these 50 or 150 people. It applies to the work in its entirety which was to be done by Koppe in the Government General. And in consideration of the principles that should apply to that work, one of the principles was that shooting of hostages were no longer to take place. It is quite possible that in this case that principle had not yet been applied and achieved.

H0114-0058

Q. Please stop here for a minute. Just before this you read Koppe's report dealing with the shooting of the hostages, on page 180, and subsequent to that the Governor General expressed his approval. Does that not mean that the Governor General approved this activity of Koppe's?

H0114-0059

A Well, this was not the only statement made by Koppe. The statement of the Governor General was referring to the statements made by Koppe, and not only to that one bit.

Q Very well. In that case, he also approved this report and this statement.

A But I know that the Governor General, together with me, was influencing Koppe so that the shooting of hostages was no longer to happen.

Q Will you please inform me, while Krueger was still the chief of police, who personally issued a decree to shoot one male citizen from every household in which a poster announcing a Polish national holiday should be found?

A That is unknown to me.

Q I am going to quote, and this is found in the document book on the first page.

"The Governor General received Dr. Waechter, who explained that posters announcing Polish national holidays were being posted throughout the city. The Governor General immediately issued a decree that in every household where such a poster is found, one male person should be shot. This decree must be carried out by chief of the police, Dr. Waechter. Dr. Waechter arrested 120 hostages immediately in connection with this situation."

Do you remember that? Who introduced the practice of taking hostages?

A Are you trying to say that I was present during that conference?

Q I would like to ask you about something else.

A Please, will you answer my question? Was I there or was I not?

Q You are to answer my questions and not I yours, if you please.

Would you answer the following question, please? Your residence in Krakow took place according to the decree of Dr. Waechter, where Dr. Waechter detained 120 hostages. Now, are you trying to tell me that you did not know that 120 hostages were detained?

H0114-0060

A I knew nothing about this measure, nor is it known to me that hostages were shot at all.

Q Please answer the following question. Have I understood you correctly to have said today that there was no famine in Poland, that there was no dearth of food?

A What? I didn't understand that.

Q Yes, this is a question. Have I understood you to have said that there was --

A Yes, that there was no famine.

Q I am asking that you be shown the speech of Dr. Buehler, State Secretary, at a meeting on the 31st of May 1943, in Krakow, and I am quoting:

"The Administration of the Government General considers it quite clear that for some time already the food quota established for non-Germans in Poland cannot in the future be maintained at the same level without allowing an increase in the activity of the population and thus lead the population to revolt. Quite naturally, the insufficiency of the food supply affects the mood of the population. However, the increased activity on the one hand, and the decrease in wages on the other, leads to further depression."

Did you not say that?

A I could follow the first part, but I didn't find the last sentence.

Q It is in the test before you, both the first and the second sentence. "Part of the Polish population is, by this time, in despair." That is also there in your test!

A Where does it say so, please? Would you show it to me?

(The text was indicated to the witness)

A (continuing) Yes, I have made these statements.

Q I also have this question. Do you not think that your announcement made in 1943 testifies to the fact that you have testified falsely today?

A No; no. What I meant by my statement was that

H0114-0061

the population had to help themselves, and I regarded it as helping themselves when a worker remained away from his place of work for three days and was looking after his food supplies. That was considered by me to be a desperate step on the part of the worker.

However, I said this morning that it was very difficult for the population to obtain the necessary food supplies but that it was not impossible, so that a famine and catastrophe was not noticed by me at all.

And, please, may I ask you to consider that 8 percent of the population of the Government General were country people so that famine, to a considerable degree, could not happen at all. It may be, then, that the low part of the country had been exploited completely.

Q You have stated that, as a result of the food quotas established in the Government General, a revolt could take place, and you also stated that the population was in despair. Is that not evidence of the fact that there was famine in the country?

A When I said "revolt" I meant "disquiet". I didn't mean an armed uprising. It is quite clear that order, and the will to work, did suffer from the lack of rations. I stated this morning how it happened that the supplies for the Poles couldn't be carried out. On the other hand, however, there was such a considerable free market and black market that the worker too, if he had sufficient time, could obtain the necessary rations; and time which he didn't have, he took. That was the help of which I was talking.

Q Please answer the following question. Is it not true that the Poles had only such chances for education which, according to the idea of Frank and Goebbels, would merely emphasize the future fate of their nation?

A There were efforts which could be felt; there were efforts to keep the level of education down. These tendencies originated in Berlin, from Himmler.

Q I would like to tell you what was done with the Polish universities

A What?

Q I would--

A They were closed; they were closed and they were not reopened.

H0114-0062

However, certain courses took place in Warsaw, in Lubeck, during which university education was passed on to these people, but these courses were to be closed out by demand from the Reich.

Q Perhaps you will recollect under whose signature the decree was issued to close the universities. Perhaps you recognize the signature? It is an official report.

A The decree regarding the appointment of high school curators came and was signed by the Governor General on the 1st of November, 1940.

Q Tell me, were there not only workingmen's schools left in Poland?

A Not only handicraft schools remained. There were, for instance, commercial schools, and there was a group of them. Apart from that, there were trade schools and elementary schools, which were installed to a full extent.

Q In other words, there were only those schools left which prepared to train workers, petty officials, tradesmen; craft schools, in other words?

A Whether only small persons or other attended them, I don't know, but, at any rate, they had to level off commercial schools.

Q At whose initiative, I would like to know, was the royal palace at Warsaw destroyed? Can you answer that question?

A I don't know for certain. I heard once that it had been the Fuehrer's wish that the walls of the castle in Warsaw should be razed to the ground.

Q And at whose personal directive was the royal palace of Warsaw destroyed?

A I don't know whether it was blown up; that I don't know.

Q But it was destroyed. Who ordered it to be destroyed, do you know?

A That is unknown to me.

Q Defendant, I show you the place where I would like to quote. It is found on page 1 of the document book, and it is a very brief quotation. I am reading:

"The Fuehrer discussed with the Governor General the general situation and the approved general administration, specifically referring to the

H0114 - 0063

destruction of the royal palace and of other parts of the city." At whose directive, then, was it destroyed? Do you see?

A It is not known to me that the castle was destroyed. As far as I know it was meant to be destroyed on one occasion, a plan which was, however, discarded.

Q Was it not in your presence that Dr. Frank, on the 31st of April 1943, gave a decree to apply police measures while recruiting manpower?

H0114 - 0064

A I should have to see the minutes. I can't remember it offhand.

Q If you please (handing papers to the witness). The place which I should like to quote is on page 46, in the last paragraph. Quoting:

"Discussion with Secretary of State Dr. Buehler, SS Obergruppenfuehrer Krueger and Dr. Frauendorfer in the presence of Reich Minister Dr. Seyss-Inquart. Subject of discussion is the deportation of workers, especially agricultural workers, to the Reich. The Governor-General states that as all methods in the way of appeals, etc. have been unsuccessful, one must come to the conclusion now that the Poles evaded this duty to work, either out of malice or with the intention of doing Germany indirect harm by not placing themselves at its disposal. He therefore asked Dr. Frauendorfer whether there were any more measures left which had not yet been taken in order to win the Poles over voluntarily. Reichshauptamtsleiter (head of a Reich head office) Dr. Frauendorfer answered this question in the negative.

"The Governor General stated in conclusion that the path had now been indicated.

"Where the Labor Department could not achieve any more, the police would have to step in."

Is that not a decree to apply police measures in recruiting manpower?

A I wouldn't contradict the statement, since I have seen the minutes. It is one of the utterances of the Governor General which, I believe, were not altogether made voluntarily, but which did in no way alter my course which I took on this question.

Q Please answer the following: Were you not present on the 18th of August 1942 at the discussion of Sauckel with Frank, and was it not in your presence that Doctor Frank spoke to Sauckel joyfully about sending new echelons of workers to the Reich with the help of the police and with methods of recruiting?

A Together with the heads of my sub-departments who dealt with the recruiting of workers I had a conference with the Reichs Commissioner Sauckel before the visit to the Governor General took place. I cannot now remember whether I was present when Reichs Commissioner Sauckel visited the Governor

H0114 - 0065

General. I would ask you therefore to let me have a look at the minutes.

Q Will you show the witness the minutes?

(Papers were handed to the witness.)

Quoting two short sentences:

"Doctor Funk: I am very glad that I can inform you officially that after this date, as of today we have sent to Germany over 800,000 workers. Only a short time ago you asked for more, for another 140,000. I am happy to inform you officially that in accordance with our agreement of yesterday, 60 per cent of these new Poles will be sent before the end of October, whereas the other 40 per cent will be dispatched to the Reich before the end of the year."

On page 120 there is one other sentence I want to quote:

"Besides the 140,000 you can count during the following year on new echelons of workers. Now that we have been using police measures you can count on a considerable number more than the following year."

Doesn't that imply the use of quite unorthodox police methods in recruiting manpower?

A I don't recollect that I have been present on that occasion, so I can in no way confirm or deny whether that was done in this particular way.

COLONEL SMIRNOV: Mr. President, I have no more questions of the witness.

THE PRESIDENT: Do you want to re-examine?

DR. SEIDL: I have a fewmore questions to ask the witness.

First of all, I should like to clarify a misunderstanding which seems to have arisen. The question which I put in connection with Document USSR Exhibit 93 really referred to Appendix 1, which has the title "Cultural Life in Poland." That appendix deals with directives regarding the cultural policy which the administration of the Government General was supposed to have issued, and the way I understood the witness was that he was only to answer that particular question and not refer to the other appendices, such as, for instance, confiscated art treasures.

Perhaps it would have been better if he had not used the word "forged". At any rate, he wanted to say that he didn't know the directives in question.

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BY DR. SEIDL:

Q Witness, is it correct that the majority of Polish workers who were brought to the Reich were volunteers?

A May I, first of all, say that I did by no means want to accuse the Prosecution of committing a forgery. I merely wanted to point out that possib they were using a forged document. I didn't want to accuse any one of forging anything. I want to rectify that.

Now, regarding the question put by defendant's counsel, I want to say that according to my observations, by far the greater majority of all the workers from the Government General went to the Reich voluntarily.

Q So as to assist your memory, I am going to read a short quotation from the diary, which deals with the recruiting of laborers:

"On the 4 March 1940 the Governor General spoke before a meeting of the chiefs of the districts around Lublin and stated the following regarding workers and their recruiting:

"'The decree demanded from Berlin regarding new coercion to be applied was turned down, and measures which would cause disquiet would have to be avoided. The forcible transport of people had every reason against it.'"

Does that conception reflect the true views of the Governor General?

A I was not present during that conference, so I didn't hear that utterance by the Governor General, but it does tally with those instructions and principles which the Governor General has always given to me and which I have always had carried out.

Q Were you present during a conference on the 14 January 1944? It was a conference with the Secretary of State Dr. Buehler, Dr. Koppe and several others. I quote from it:

"The Governor General turned against measures under which police forces were to be used for the carrying out of such measures. Such a task was not to go to the police."

Is it correct that the Governor General repeatedly opposed the use of police in connection with the recruiting of workers?

A That wasn't the only question. The deputy of Commissioner Sauckel was often attacked by him during public meetings, official meetings, when he

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was talking about raids for the recruiting of workers; but I must state that Sauckel always stated that he had given instructions for these raids for the rounding up of workers.

Q The first quotation which the Prosecutor put to you was an entry dated the 25th of January 1943. He asked you whether you yourself regarded yourself as a war criminal. I shall now put to you another passage from that very conference, during which you yourself were present. I quote from page 7 of that entry in the diary:

"The Governor General stated: 'Secretary of State Krueger, you know that orders of the Reich Fuehrer SS can only be carried out by you when you have heard me first. This was omitted in this particular instance. I wish to express my regret that you have carried out an order from the Reichs Fuehrer without informing me of the orders of the Fuehrer first. According to that order from the Fuehrer, orders of the Reichs Fuehrer SS can only be carried out by the Governor General here if I have previously stated my agreement. I hope that this is the last time that that has been omitted, because I don't want to bother the Fuehrer in every single such case."

I shall skip a few sentences and continue to quote:

"It is impossible that we can disregard Fuehrer orders, and it is out of the question that in the sphere of police and security direct orders from the Reichs Fuehrer are obeyed while the man is left out who has been appointed here by the Fuehrer. Otherwise I should be completely superfluous.

I now ask you, Witness, is it true that between the Governor General and the Higher SS Police Leader Krueger there were very frequently such arguments, and that the Governor General terminated these discussions and

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arguments by asking for cooperation, so that some sort of administration in this sphere could be made possible?

A Yes, that is correct, such discussions were our daily bread and butter.

Q The Prosecution has also submitted to you another exhibit, U.S.S.R. Exhibit 335, the Rules for Court Martial Procedures, dated October 1943. I now ask you what the security situation was in the Government General at that time, and would it have been possible at all at that time to carry out normal criminal procedures?

THE PRESIDENT: Doctor Seidl, hasn't that already been dealt with fully in his examination in chief?

DR. SEIDL: In that case I shall forego having this question answered. I shall withdraw the question and now ask one last question which refers to art treasures.

BY DR. SEIDL:

Q Is it correct that a portion of art treasures which were found in the upper Silesian theatre were taken to the last official residence of the Governor General at Neuhaus, to be safeguarded, and that the Governor General had given you instructions to prepare a list of these articles and send it to Minister Lammers?

A The Governor General had compiled a report about the transfer of twenty of the most outstanding art treasures from the property of the Polish State. The report was dictated and referred to Minister Lammers. I was present when it was dictated and I took that report personally to Secretary of State Kritzinger in Berlin. It was stated therein that these art treasures, so as to save them from the Russians, had been taken from Seichau to Schliersee. These art treasures were in the official residence of the Governor General.

DR. SEIDL: In that case I have no further questions to the witness.

THE PRESIDENT: The witness can retire.

DR. SEIDL: I have now completed the examination of witnesses, but since the document books have not yet been found, I would like to suggest that at some later stage, perhaps after the case of Frick, I could submit the documents.

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THE PRESIDENT: Dr. Seidl, how many books are you presenting?

DR. SEIDL: A total of five volumes, but I myself, have not received them yet.

THE PRESIDENT: Has the Tribunal approved the documents in five volumes?

DR. SEIDL: They are almost entirely documents which have already been submitted to the Prosecution and an agreement has been reached with the Prosecution regarding the documents.

THE PRESIDENT: Well, then, we need not wait now for the document books. The document books will be considered by the Tribunal when they are put in and then, if you have anything in particular you want to say upon them in explanation, you may do so.

DR. SEIDL: Yes.

THE PRESIDENT: No doubt you will comment upon them in your final speech. You say that they are mostly documents which have already been put in, and, therefore, it would not be necessary to make any preliminary comment upon them. You will be able to deal with them in your final speech.

DR. SEIDL: Oh, but I should have liked to quote a few passages during my submission of evidence, since this is necessary to establish the connection and since it would be impossible to do all that during my final speech; but I do not think that a great deal of time will be lost through that.

THE PRESIDENT: Very well. Dr. Seidl, it would not be useful to the Tribunal for you to make a commentary upon the documents at a later stage, when your witnesses have been finished and some other defendant's witness has been interpolated; therefore, the Tribunal thinks it would be much better and much more convenient to the Tribunal if you defer your comments on the documents until your final speech.

Well, Dr. Seidl, as I understand, you have two books which are before us now. Three is it?

DR. SEIDL: There is a total of five books. The other three do not appear to have been bound.

THE PRESIDENT: Yes, but you say that most of the documents in

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them are documents which are already in evidence.

DR. SEIDL: There is a diary of defendant Dr. Frank. It has been submitted. It contains forty-two volumes, but the point is the Prosecution has only used those parts which appeared suitable to them. In my opinion, it is, therefore, necessary that during the submission of evidence some sort of connection is established. Also, there are other documents in the document book which should be read in extract before this Tribunal, but I shall, of course, limit myself to the absolutely necessary passages when I read the documents. If I may, I should like to suggest to the Tribunal that the matter be treated as it was in the case of the defendant Ribbentrop. So that I will submit the documents to the Tribunal as exhibits, such as several speeches by defendant Frank, such as the publication of laws, and there are two affidavits, and I do believe that somehow I should be able to define my attitude during the submission of evidence;

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and, once more, individual documents will have to be given an exhibit number Up to now only one document has been submitted on behalf of the defendant Frank, and that is the affidavit of the witness Dr. Buehler, but I have the intention of submitting a number of other documents for the notice of the Tribunal, and the exhibits, and I merely suggest putting that back since the Tribunal has not yet received the document books.

THE PRESIDENT: When will these other books be ready, Dr Seidl?

DR. SEIDL: I was told that they would be completed by this evening.

THE PRESIDENT: How long do you think you will take in dealing with these books?

DR. SEIDL: I think that two hours will be enough.

THE PRESIDENT: Well, the Tribunal will adjourn now.

(A recess was taken)

THE PRESIDENT: Dr. Seidl, the Tribunal would like you to deal with your documents now, is so far as they are documents which have already been put in evidence, unless you wish to refer to other passages in them. They think that you need only tell us what the documents are and put them in evidence, unless it is very important to you to refer to any particular document. So far as they are new documents, you will, no doubt, offer them in evidence and make such short comments as you think necessary. But the Tribunal hopes that you will be able to finish this afternoon, With reference to the other books that you have, we understand that you have all the documents in German yourself andm therefore, you can refer us to those documents now.

DR. SEIDL: Mr. President, upon the wish of the Prosecution and also, I believe, of the Tribunal, I have reduced the extent of my document books considerably. The first five document books, such as I had them prepared, contained more than eight hundred pages. The new form is considerably shorter and the German text of the new form I have not received. So that I am not in a position right now to say anything about the number of pages and to coordinate my pagesnumber of the numbered pages with that of the tranalated books. If I may express one wish it is that we should wait first until the five document books in their new form are available because, otherwise, it is very likely that the pagination of the books and documents would not be coordinat

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such as it should be.

THE PRESIDENT: Well, then, we think you better go on with the first three books which you have here and we have them here.

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Dr DR. SEIDL: If the Tribunal has the first three volumes, then I would like to begin with them. I begin with volume 1. The first document on page 1 is the decree of the Fuehrer and Reichschancellor concerning the administration of the Occupied Polish Territories, of 12 October 1939. This decree describes in detail the authority of the Governor General and in paragraph 5 and 6, some of the limitations of his authority are included, which already the witnesses Dr. Lammers and Dr. Buehler have pointed out. This document has the number 2537-PS and it will be Exhibit Frank No. 2.

I pass to page 3 of the document book, that is the decree of the Fuehrer concerning the establishment of the State Secretariat for Security Affairs in the Government General, dated 17 May 1942. I quote paragraph 2:

"The State Secretary for security affairs is at the same time the Deputy of the Reichs-Fuehrer SS in his capacity as Reich Commissioner for the strengthening of German nationality."

On page four, I quote paragraph 1V: "The Reichsfuehrer SS and Chief of the German police is authorized to give the state Secretary for security affairs direct orders in the fields of security and the strengthening of German nationality."

This document will be Exhibit Frank No. 3. the decree of the Fuehrer 27 May 1942. This decree was the decree about the transfer of authority to the State Secretary for Security. I do not know whether that decree is already bound in that volume. Apparently that decree which was added later has not yet been translated.

THE PRESIDENT: What is the date?

DR. SEIDL: 23 June 1942.

THE PRESIDENT: We have one of the 27th of May 1942.

DR. SEIDL: That decree apparently has not yet been translated. it was added later and I will put it in a document book later. It will be Exhibit Frank No. 4.

In paragraph 1 of that decree, we find "The province of Police administration in Annex A and B are under the jurisdiction of the State Secretary for Security." In Annex 1 the provinces of authority of the order police are mentioned /// under 17 points---Now, I have to correct that--26 points; and in annex B, in 21 points.

I pass now to document book 1, page 5. That is the decree of the Fuehrer concerning the appointment of officials and the discontinuance of an official status

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in the sphere of activity of the Governor General. of 20 May 1942.

"The Governor General's sphere of activity does not, in the sense of this decree, include officials belonging to the sphere of the SS Reichsfuehrer and the Chief of the German Police in the Reich Ministry of the Interior and to the customs control."

I pass through page 6, which is already USA Exhibit 305.

The next document is a letter by Reichsmarshal Goering to the Chief of the Secutity Police and the Security Service, of July -----

MR. DODD: Mr. President, I suggest that an exhibit number be given as we go along so we can follow better and later on have some sequence. Dr. Seidl says he goes through the last one and this one has not yet been given any exhibit number.

THE PRESIDENT: The last one was Frank No 5, wasn't it?

MR. DODD: Frank No 5 was the 27th of May 1942. We didn't know that; we didn't get the number. I am sorry.

THE PRESIDENT: It may not have been stated but I took it down as that myself. Will you take care to state each time, Dr. Seidl, what the exhibit number is that you are giving. You are dealing now with the letter of the 31st of July 1941.

DR. SEIDL: Yes. This letter has a USA number; that is 509.

THE PRESIDENT: Very well. Wait a minute, Perhaps I made a mistake. Yes, Mr. Dodd, I think I made a mistake, The reason why Dr. Seidl didn't give a number was because it was already in evidence as USA 305. I made a mistake. It wasn't Frank No 5. We only got to Frank no. 4. The next one is USA 509.

DR. SEIDL: 509. I pass through page 10 of the document book. That is an order directive rather of the high command of the armed forces concerning the Case Barbarssa, USA 135, and I quote paragraph 2:

"A declaration of East Prussia and the General Government to be an operational area of the Army is not yet contemplated. However, on the basis of the unpublished Fuehrer decree of the 19th and 21st of October, 1939, the Commander in Chief of the Army is authorized to enact measures that are necessary for the execution of his military task and for the security of his troops."

I pass to page 11 of the document book, a directive for the execution of the Fuehrer's Decree on the Plenipotentiary General for Labor Committment, of the 27th of March 1942. I quote No. 4:

"The Plenipotentiary General for Labor Committment will have at his disposal

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for the performance of his task the authority delegated to me by the Fuehrer for the issuance of instructions to the highest Reich authorities, their subordinated offices, as well as the offices of the party and its formations and affiliated organizations, to the Reich Protector, the Governor General, the military commanders and the chiefs of the civil administrations." This document becomes Exhibit Frank No. 5.

The next document is on page 12. The Decree by the Fuehrer, concerning a Plenipotentiary General for the Utilization of Labor, of 21 March 1942, from which it can be seen that his authority included the Government General. It receives the Exhibit Frank No. 6.

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The document on page 13 of the document book deals also with the authority of the Plenipotentiary Labor for Manpower. It is already USA Exhibit 206.

The document on page 15 is a letter from Professor Dr. Kubijowytsch, Chairman of the Ukrainian Main Committee, to the defendant Dr. Frank. It already has the USA Exhibit No. 178 and I will read only the first sentence from that document, in order to show what the relation was between the defendant Dr. Frank and the author of that letter. I quote:

"Complying with your wish I send you this letter, in which I should like to state critical conditions and the painful happenings, which create especially painful conditions for the Ukrainian population within the General Government."

Then I pass to page 16 of the document book. That is an excerpt from USA Exhibit 275; the report of the SS Brigadefuehrer Stroop about the destruction of the Warsaw ghetto. I quote the second paragraph of II, from which it can be seen that the order came immediately from the Reichsfuehrer SS Himmler. I quote:

"When the Reichsfuehrer SS visited Warsaw in January 1943, he gave the order to the SS and Police Leader in the District of Warsaw to transfer to Lublin the armament factories and other enterprises of military importance, which were installed within the ghetto, including their personnel and machines."

After page 16 of the document book, we should quote the affidavit which the prosecution has submitted during the cross examination of the defendant Kaltenbrunner.

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COLONEL POKROVSKY: As far as I understand there is some misunderstanding here. The document he named does not deal with Warsaw, but it is a document of the chief of the SS police of the Galicia district with regard to the Jewish question in Galicia. It does not relate to Warsaw. I would like him to explain or define this.

DR. SEIDL: The document on page 16 is the report by the SS Brigadefuehrer Stroop, which has already been submitted as USA Exhibit 275. It is a report by SS Fuehrer Katzmann, which apparently the Russian Prosecutor means, concerning the solution of the Jewish question in Galicia. That is on page 17 of the document book. That is on the next page. Apparently it has been overlooked in the document book which was prepared for the Russian Prosecution; it was overlooked to put that page 16 in.

After that report--USA Exhibit 275, we should put as page 16A the affidavit by SS Brigadefuehrer Stroop, which during the cross examination of the Defendant Dr. Kaltenbrunner, under No. USA 804, has been submitted. That affidavit has the number 3431-PS. I could not include that affidavit in the document book because that affidavit was submitted by the Prosecution only at a time when I had sent the document book to be translated.

As page 16B another document should be put in, which also was submitted during the cross examination of Dr. Kaltenbrunner. That is the affidavit by Karl Kaleske. That affidavit has the number USA 803, 3840-PS. That would be page 16B of the document book.

Now I come to the report which the Soviet Prosecutor had in mind and which deals with the solution of the Jewish question in Galicia. It is on page 17 of the document book. That report has the number USA 277 and the L number 18. I quote pages 4 and 5:

"After it had been found in more and more cases that Jews had succeeded in making themselves indispensable to their employers by providing them with good in scarce supply, it was considered necessary to introduce really draconic measures."

I pass to paragraph 2 and quote:

"Since the administration was not in a position and showed itself too weak to master this chaos, the SS and Police Leader simply took over

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the entire disposition of labor for Jews. The Jewish labor agencies which were manned by hundreds of Jews were dissolved. All certificates of labor given by firms or administrative offices were declared invalid, and the cards given to the Jews by the labor agencies were revalidated by the police offices by stamping them."

I pass to page 19 of the document book. That deals with the letter of the Reichminster and Chief of the Reich Chancellory to the Reichsfuehrer SS and Chief of the German Police Himmler, of the 17th of April 1943. That document has the number 2220-PS and the Exhibit No. USA 175. I quote:

"In our conference of 27 March of this year we had agreed that written memoranda should be worked out about conditions in the General Government, on which our intended mutual report to the Fuehrer could be based. The material compiled for this purpose

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by SS Obergruppenfuehrer Krueger was submitted to you immediately. Based on this material, I have had a report prepared which sums up the most important points of this material, subdivides them clearly, and culminates in an exposition of the measures to be taken.

"The report has been checked together with SS Obergruppenfuehrer Krueger and has his complete concurrence. I am submitting a part of it to you herewith." End of quotation.

It is signed "Dr. Lammers."

I pass to page 20 of the document book. I quote:

"Secret.

"Concerning conditions in the General Government.

"The German administration in the General Government has to fulfill the following tasks:

"First, to increase agricultural production and seize as much of it as possible for the purpose of securing food for the German people, to allot sufficient rations to the native population occupied with work essential to the war effort, and to carry off the rest for the armed forces and the homeland."

I leave out the following points and pass to the letter "B", where Krueger or his assistant criticized the measures of the General Government:

"German administration in the General Government has failed extensively with respect to the tasks listed under 'A'. Even if a relatively high percentage, namely over 90 percent, of the delivery quota of agricultural products for the armed forces and the homeland was successfully met in the year 1942, and if the labor procurement requirements of the homeland were generally satisfied, still on the other hand two things must be made clear: First, these accomplishments were achieved for the first time in the year 1942. Before that, for example, only 40,000 tons of bread grain had been delivered for the armed forces. Secondly, and above all, one had failed to create for the achievement of such performances those prerequisites of an organizational, economic, and political character which are indispensable, if such performances are not to lead to a shock to the entire situation from which chaotic conditions

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could eventually come about in every respect. This failure of the German administration can be explained for one thing by the system of the German administrative and governmental acticity in the General Government as represented by the Governor General, and secondly by the misguided principles of policy in all thos questions which were decisive for conditions in the General Government.

"First: The spirit of the German administration in the General Government. From the beginning it has been the endeavor of the Governor General to create a state organization out of the General Government which was to lead its own existence in complete independence of the Reich."

Then I pass to page 22 of the report, No. 3, and I quote:

"Thirdly, the treatment of the native population can only be led in the righ direction on the basis of a clean and orderly administrative and economic leadership. Only such a foundation permits that the native population be handled strictly and if necessary even severely, on the one side, and on the other side

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.that one may act generously with them and cause a certain amount of satisfaction in the population by certain liberties, especially in the cultural field. Without such a foundation severity strengthens the resistance movement, and meeting the population halfway only undermines the German reputation. The above-mentioned facts prove that this foundation is lacking. Instead of trying to create this foundation, the Governor general inaugurates a policy of encouraging the individual cultural life of the Polish population, which in itself is already overshooting the goal, but which under the existing conditions, and not the least in connection with our military situation during the past winter, can only be interpreted as weakness and must achieve the opposite of the aim intended.

"The cases are numerous in which the German administration puts the requirements of the racial Germans in the General Government in the background in favor of the interests of the Poles and Ruthenians, in their endeavor to win the latter over to them. The opinion was advanced that racial Germans settled somewhere else were not to be located immediately as settlers, but for the duration of the war were only to be employed as farm workers. Legal foundation fo expropriation of Polish property have not been created up until now. Bad treatment of racial Germans by their Polish employers has not been stopped. German citizens and racial German patients were allowed to be treated in Polish hospitals by Polish physicians, badly and at great expense. In German spas in the General Government the sheltering of children of German citizenship from territories which were threatened with bombing and of Stalinggrad fighters ran into difficulties, while foreigners took convalescent vacations there, and so on. The big plans for resettlement in the Lubin district for the benefit of racial Germans could have been carried out with less friction if the Reich Commissioner for the strengthening of Germandom had found the desirable cooperation and assistance of the administration."

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I pass to page 24 and quote, under C:

"The administrative system, represented by the Governor General personally, and the actual failure of the general German administration in the most various fields of dicisive importance, did not only shake the confidence and the will to work of the native population, but has also brought about the result that the Poles, who have been socially divided and constantly dis united throughout their history, have come together in a united national body through their hostility to the Germans. In a world of pretense, the real foundations are lacking on which alone those achievements which the Reich requires from the General Government, and those aims which it must see realized in the latter, can be brought about and fulfilled in the long run. The non-fulfilment of the tasks given to the general administration naturally had to lead, as happened, for example, in the field of the strengthening of German ways and characteristics, that other administrative bodies, for instance Reich Commissioner for the Strengthening of German Volkstum, and the Police, took over these tasks."

Now I pass to page 27 of the document book. That is the repeatedly mentioned report by the Governor General to the Fuehrer od the 19th of June 194[illegible] The document has the number 437-PS, USA Exhibit 610. Of this document the Prosecution has so far quoted only page 10 and 11, and these are the points in the memorandum by the Governor General which have been severely criticized

THE PRESIDENT: Are you speaking now of the report which begins on page 20?

DR. SEIDL: I mean the report which begins on page 27. We have already finished the report which begins on page 20.

THE PRESIDENT: Well, what number did you give to that on page 20?

DR. SEIDL: The report on page 20 is an integral part of the letter which begins on page 19, and which already has the USA number 175.

THE PRESIDENT: Yes.

DR. SEIDL: Now I come to the document on page 27. That is a memorandum which has already been mentioned by various witnesses, and was submitted under No. 610 by the Prosecution. Of this report, the Prosecution has only submitted pages 10 and 11, that is page 36 and 37 of the document book, that

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is to say, only those passages in the report which were considered as perpetrations of the police, and against which perpetrations the Governor General complained to the Fuehrer.

I do not intend to read the whole memorandum, but I want to pass on to page 27 of the report, which is page 53 of the document book, and I quote under No. 2:

"The almost complete discontinuation of the posibilities for participation in the cultural field has led, down to the lowest classes of the Polish people, to serious discontent. The Polish middle and upper classes are extremely hungry for education. Experience shows that the possibility of a cultural occupation would at the same time be connected with a diversion from the political questions of the day. German propaganda frequently comes across the objection, brought up by the Poles, that the restriction of cultural activity enforced by the German authorities does not only show no difference towards the Bolshevist lack of culture, but also shows that it even remains below the amount of cultural activity, allowed among Soviet citizen.

The closings of colleges, high schools and secondary schools, are on the same basis. Its well considered purposes are without doubt the decline of the Polish educational standart. The realization of this goal appears, considering the necessities of war, not always beneficial to the German interests. With the duration of the war the German interest in the mobilization of able foreign replacements increases in the various fields of knowledge. However more important is the fact that the crippling of the school system and the extensive hampering of cultural activities adds in rising proportions to the promotion of a Polish "National Community" (Volksgemeinschaft) conspiring against Germany, under the leadership of the intelligentsia. What was not possible during the course of Polish history, what even could not be done during the first year of the German administration, namely the achievment of a goal, which was aimed at a common purpose and a national community holding together from within for better and for worse, threatens now to become slowly but surely reality because of German measures. The German leadership cannot pass this process of alliance of individual Polish

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classes without noticing it in the face of the growing defensive power of the Poles. The German leadership should promote class distinctions by certain cultural concessions and if possible to play one class against the other.

The recruiting of labor and the methods, through often under the inevitable pressure of the circumstances, observed, have created, further by clever Bolshevist agitation, a tremendous feeling of hate in wide circles. The workers won thus, come often with a deep resolution for positive resistance, even active sabotage. An improvement of the recruiting methods in connection with the continuation of the attempts to stop still present abuses in the treatment of Polish workers in the Reich, finally a care even if it is only meager, for the family members left behind, would cause a rise in morale, which would convert itself into an increased desire to work, and increased production for the German interest.

The German administration was organized at the beginning of the war with the removal of the Polish element from all important positions. The available amount of German help had always been quantitatively and qualitatively insufficient. Besides, during

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the past year a considerable delivery of German personnel had to take place under pressure of the replacement needs of the armed forces. Previously, non-German help had to be called in to a greater extent. By a considerable change in the treatment of the Poles, the administration could, by use of all necessary precaution, use the Polish element more for collaboration, without which the administration considering the present amount of personnel, not to speak of future transfers, cannot be kept working. The increased participation of Poles would help further to raise the morale in itself. "Besides the positive change put down in these proposals, a number of methods, observed previously in the treatment of Poles, need a change or even must be completely abandoned at least for the duration of the fighting in Europe. (1) I have already shown in special reports that confiscation and evacuation of arable land have caused great and irrepairable damages for the agricultural production. Not less great is the damage to morale connected naturally with such actions. Already the seizure of a great part of the Polish large estates has embittered the naturally anti-Bolshevistically inclined strata of the population, hit by it. But their opposing attitude does not count nearly so much, because of their numerically small strength and their complete segregation from the mass of the people, as the position of the mass of the population consisting mainly of small farmers.

The evacuation of Polish farmers from the defense zone - doubtlessy necessitated by military-political reasons - has already had an unfavorable effect on the mentality and attitude of many farmers. At any rate, this evacuation has been kept within certain territorial limits. It has been carried out carefully prepared by the governmental offices, having avoided all unnecessary harshness. The evacuation of Polish farmers from the LUBLIN district, held necessary by the Reich

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Commissioner for the strengthening of German nationalities, for the purpose of settling German nationals there has been much more serious in proportion. Added to that - as I already reported separately - it was carried out at a pace and by methods which caused immeasurable bitterness among the populace. At short notice families were torn apart, those able to work were sent to the Reich while old people and children were assigned to empty Jewish ghettos. This happened during the winter 1942/43, when great losses ocurred especially among members of the last group. The evacuation brought with itself a complete expropriation of movable and immovable property of the farmers. The entire population fell for the belief that the previous deportations meant the beginning of a total deportation of the Poles from the region of the General Government. The general impression was that the Pole would have a fate similar to that of the Jews. The evacuation in the District LUBLIN was a welcome opportunity for the Communist agitation in order to poison for a long time the attitude of the entire General Government, even in the annexed Eastern territori by the skill, for which it is known. This had the result that considerable parts of the population in the deportation territories, but also in territories not touched by it, escaped into the words and increased the bands considerably. The consequence was a tremendous deterioration of the security situation. These people, driven to despair, are misused by skillful agents to upset agricultural and industrial production according to a definite plan.

2) Already at the first mention of the crime of KATYN, it became obvious that the safeguarding of personal security is an absolute condition for the incorporation of the Polish population into the defensive fight against Bolshevism.

The lack of protection against seemingly arbitrary arrests and executions constitutes a primary argument in Communist propaganda slogans. The shooting of women, children and old men in plain public, which takes place

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again and again without the knowledge and against the will of the Fuehrer must be prevented under all circumstances. This does not apply naturally to the executions of bandits and partisans. In cases of collective punishments which nearly always hit innocent people and which are politically indifferent, the unfavorable, psychological effect is immeasurable. Serious punitive measures and executions should only be carried out after a procedure satisfying the most primitive conceptions of justice and under publication of the sentence.

"Even if the court procedure is carried on in such a simple, imperfect and improvised manner, it serves to avoid or to lessen the unfavorable effect of a punitive measure which the population considers as purely arbitrary, and hampers the Bolshevist agitation which claims the German measures there to be only the prelude for future incidents. Added to this is that collective punishment, which naturally is directed primarily against the innocent, in the worst case against forced people or desperate ones, are not exactly judged as a sign of strength of the ruling power from which the population expects that it will hit the terrorists themselves and that it liberates them thus from the insecurity which burdens them."

I pass now to page 37 of the report and page 63 of the document book.

"3.) Besides the most important suppositions mentioned in 1.) and 2.), for the pacification of the General Government, security of property among the non-agricultural people, must also be confirmed, to be granted insofar as it is not opposed by urgent needs of war. The appropriations or confiscati without compensation in the industrial sector, in commerce and trade and other private property was not to take place in any case, insofar as the owner or the custodian has not committed an offense against the German authorities. If the use of industrial enterprises, commercial concerns, or real estate is necessary for war-essential reasons, it should be preceded in every case under avoidance of hardships and guarantee of appropriate compensation. Through such a procedure the initiative of Polish employers would on one side be furthered and on the other hand, damage to the interests of German war economy would be avoided.

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"4.) With the influencing of the attitude of the Poles an importance is due to the influence of the Catholic Church, which cannot be entirely overestimated. I do not mistake that the Catholic Church always belonged to the leading fighters for an independent national Poland. Numerous clergymen also made their influence felt, even after the German occupation. Also, hundreds of arrests were carried out in these circles. A series of priests were taken to concentration camps and also shot. However, in order to win the sentiment of the Polish population, at least a legal attitude of the church is necessary, if not cooperation as well. It can be won without any doubt, especially today under the effect of the crimes of Katyn, for a reinforcement of the defensive front against Bolshevism with the Polish people, which must already, out of instince of self-preservation, refuse a Bolshevistic reign in the Vistula area. However, it is a prerequisite for that to refrain in the future from all measures against their activity and their property inasmuch as they are not necessitated by immediate war interest

"Damages exceeing by far the advantages obtained in the individual cases have been caused up to the most recent time --."

THE PRESIDENT: I had thought that your extracts were going to be brief. You have now read from page 53 to page 65.

DR. SEIDL: Mr. President, this document is the only one of this kind which is available to me and in consequence of the fact that the Prosecution has only quoted those passages literally which the defendant, Dr. Frank, himself has criticized severely, I consider it my duty now to read a number of passages, to quote them, in order to give the entire picture correctly and to show what really the defendant, Dr. Frank, intended to achieve with this document. I shall only quote a few more lines and then I will pass to another document.

THE PRESIDENT: I had hoped that one or two extracts from that document would show what the defendant Frank was putting forward, one or two paragraphs

DR. SEIDL: Yes. Then we come to the next document, Mr. President, that is on page 68, the affidavit by the witness Dr. Buehler, which I presented to the witness today and which has received the number Exhibit Frank 1, page 68 in the document book.

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On page 70 there appears U.S.A. Exhibit 473. If I remember correctly that is the document which has been read entirely by the Prosecution and I would like to ask the Court only to take official notice of that also in the defense of Dr. Frank.

On page 72 of the document book is an affidavit of the

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former Kreishauptmann, Dr, Albrecht. To be exact I have to state that this is not exactly an affidavit in the true sense of the word. It is only a letter which Kreishauptmann, Dr. Albrecht, through the General Secretary of the Tribunal, has sent to me. I then returned the letter in order to have it sworn to by the witness but I have to say that until now that sworn statement has not been returned so that for the time being, this exhibit would only have the material value of a letter.

Therefore, I ask the Tribunal to decide whether in this form of a letter that document can be accepted by the Tribunal.

THE PRESIDENT: I think the Tribunal did consider that matter before when your application was before it. They will accept the document for what it is worth. If you get the document in affidavit form you will no doubt put it in.

DR. SEIDL: Yes. That will be Exhibit Frank Number 7. I forgego the quoting of the third point and come to page 74 of the document book and I quote under figure 4:

The struggle of Dr. FRANK against the exploitation and neglect of the General Government in favor of the Reich. Conflict with Berlin.

" The first meeting with Dr. FRANK occured shortly after the fundation of the General Government in the Fall of 1939 in the Polish district-capital RADOM wher the 10 Kreishauptmaenser of these districts had to report concerning the condition of the population of their administrative district and the problems of a possibly quick and effective reconstruction of the general as well as the administrative and economic life.

" Outstanding was the special attention shown by Dr. FRANK and his ceep concern about the area entrusted to him. This found expression in the instructions not to consider or treat the General Government or allow it to be treated, as an object of exploitation or as a useless area, but rather as a center of public order and an area of concentration at the back of the fighting German front and at the gates of the German homeland, like a bridge of land between the two. Therefore the loyal native inhabitants of this country have as citizens of the GG a claim to the full protection of the German administration. For this purpose the

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constant efforts of all authorities and economic units would be demanded by him, and, by constant control through supervising authorities, be personnally superintended by him through periodic inspection trips with the participation of the central expert authorities. In this way, for instance the two district captaincies (Kreishauptmannschaften) which were administered by me were in the course of four years inspected by him personally three times.

" In face of the demands of the Berlin central authorities, who believed it possible import more from the General Government into the Reich than was advisable Dr, Frank represented vigorously the political independence of the German Government as a "annex"(Nebenland) of the Reich, and his own independence as bein directly subordinated to the Supreme Head of the State only, and not to the Rei Government. He also instructed us on no account to comply with demands of that kind which might come to us on the basis of personal relations with the authorities by whom we were sent, or the specialist ministries in the Reich which was equally expected from us, to report him about it. This firm attitude brought Dr. Frank the displeasure of the Berlin government circles, and the nickname "France" (Frankreich) to the General Government.

" A campaign of calumny has been initiated in the Reich against him and against the entire administration of the General Government by systematically generalizing and exaggerating regrettable ineptitudes and human weaknesses of individual at the same time attempting to belittle the actual constructive achievements."

I should like to ask the Tribunal to take official notice of number five, number 6 and will quote number seven.

"7. Dr. Frank as a oppontent of Violent Actions against the Native Polulati Especially as an Opponent of the SS.

"Besides the exploitation and the pauperization of the General Government, the accusation of the enslaving of the native population as well as their deportation into the Reich and many atrocities of various kinds appeared in the newspaper reports on the Nurnberg War Crimes Trials and are presented as serious evidence against Dr. Frank. As far as atrocities are concerned, the guilt does not lie with Dr. Frank but in part with the numerous non-German agitators and provocateurs who increased with the additional pressure against the fighting German fronts increased their underground activity, and for the Security Organization ir

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the General Government, SS Obergruppenfuehrer Krueger and his agencies. My observations, however, in this respect are sketchy because of the strict secrecy of these offices.

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"On the other hand, Dr. Frank went so far in accommodating the Polish population that this was frequently objected to by his German compatriots. That he did the correct thing by his stand for the justified interests of the Polish population is proven, for example, by the impressive fact that barely a year and a half after the defeat of the Polish people in a campaign of eighteen days the concentration of German army masses against Russia in the Polish area took place without a noteworthy disturbance, and that the Eastern railroad could log the troop transports move with Polish personnel up to the most forward unloading points without having them delayed by sabotage."

I quote the last paragraph on page seventy-nine:

This humane attitude of Dr. Frank which earned him respect and sympathy among considerable groups of the natives led, on the other hand, to bitter conflicts with the SS, among whose circles Himmler's say, 'They shall not love us, but fear us,' circulated as a key word of their thinking and action.

"At times it came to a complete break. I remember exactly that Dr. Frank during a government visit of the Carpathian districts of the District Captaincy (Kreishauptmannschaft) of Stanislau in the summer of 1943 in Jaremtsche on Pruth complained most bitterly during a lonely walk with me and my wife about the arbitrary acts of the SS which quite frequently crossed hi political course. At that time he called the SS the Black Plague, and pointed out when he noticed our astonishment at hearing such criticism ever from his mouth that it would, for example, be absolutely unpreventable if my wife should be innocently arrested some day or night by agencies of the Gestapo and should disappear never to be seen again without having received the possibility of a defense in a legal trial. Some time afterwards, he held a speech before the students in Heidelberg which attracted much attention and was loudly applauded about the necessity of the reestablishment of a German constitutional state (Rechtsstaat) as would always have done justice to the real requirements of the Germans. When he wanted to repeat this speech in Berlin, he is said to have been forbidden by the Fuehrer and Reich Chancellor as reported to me by a reliable, but unfortunately forgotten

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source, to make speeches for a quarter of a year at Himmler's instigation. The struggle against the methods of violance used by the SS led to a nervous breakdown of Dr. Frank, which made necessary a fairly long convalescent leave. As far as I can remember this was in the winter of 1943/44/"

I ask the court to take official notice of number eight, and I pass on to page eighty-four of the document book. That is an affidavit by SS Obergruppenfuehrer Erich von dem Bach-Zelewski of the 21st of February 1946. This affidavit received the exhibit number "Frank No. 8."

THE PRESIDENT: Didn't this witness give evidence?

DR. SEIDL: The witness was questioned here by the prosecution and I made the motion at that time that either I could interrogate the witness again or that I would have the use of an affidavit. On the 8th of March 1946 the Tribunal made the decision, if I remember correctly, that I could use an affidavit from that witness but that the prosecution would be free if they desired to question the witness again.

THE PRESIDENT: Very well.

DR. SEIDL: I shall read the statements of the witness concerning this affair, and I quote under number one:

"1. Owing to the infiltration of Russian Partisan groups over the line of the river Bug into the General Government in 1943, Himmler declared the General Government to be a guerilla warfare territory. By this it became my duty, as Chief of the guerilla warfare units to travel over the General Government to gather information and experience, and to submit reports and suggestions for fighting the partisans.

"In the general information Himmler gave me, he called the Governor General Dr. Frank a traitor to his country, who was conspiring with the Poles, and whom he would expose to the Fuehrer very shortly. I still remenbe two of the reproaches Himmler made against Frank:

"(a) At a lawyer's meeting in the Old Reich territory Frank is said to have stated that 'he preferred a bad constitutional State to the best conducted Police State', and

"(b) During a speech to a Polish delegation Frank had disavowed

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some of Himmler's measures and had disparaged, in front of the Poles, those charged with carrying them out by calling them militant personalities.

"2. After having personally obtained on a circular tour information on the spot about the situation in the General Government, I visited the higher SS and Police-fuehrer Krueger and the Governor General, Dr. Frank, in Cracow.

"Krueger spoke very disapprovingly about Dr. Frank and made Frank's faltering and unstable policy towards the Poles responsible for conditions in the General Government, he called for harsher and more inconsiderate measures and said that he would not rest until the traitor Frank was overthrown. I had the impression, from Krueger's statements, that personal motives also influenced his attitude and that he himself would have liked to become Governor General.

"After that I had a long discussion with Dr. Frank, I told him of my impressions, while he went into lengthy details about a new policy for Poland which aimed at the pacification of the Poles by way of concessions. In agreement with my personal impressions Dr. Frank considered the following factors responsible for the sente situation in the General Government:

"(a) the inconsiderate resettlement action taken now, in the midst of war, especially the senseless and purposeless resettlement Globocznik the Lublin SS and Police-fuehrer and

"(b) the insufficient food quota allotted to the General Government. As pronounced enemies of any conciliatory policy Dr. Frank designated Krueger and Globocznik who should be recalled without fail. With the conviction that failure by Dr. Frank would only mean a more inconsiderate and uncompromising person as his successor, I promised him my support. Having been assured of strictest secrecy I told Frank I shared his opinion that Krueger and Globocznik would have to disappear. He, Dr. Frank, knew however that, Himmler hated him and that he was urging Hitler to have him removed. With such state of affairs any request on Frank's part to have Krueger and Globocznik recalled would not only be rejected, but would even strengthen their position with Himmler. Frank should give me a free hand, then I could promise him that both would be relieved

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within the shortest possible time. Dr. Frank agreed to that, and then I made use of military mistakes that Krueger and Globocznik had committed in order to bring about their recall by Himmler.

"3. The Warsaw revolt of 1944 ---

THE PRESIDENT: I must point out to you that you said you were going to be only two hours on five volumes. You have now been over an hour on one volume, and you are reading practically everything in these documents. It isn't at all what the Tribunal has intended. You have been told that you may make short comments showing how the documents are connected with each other and how they are connected with the all of it. That is not what you are doing at all.

DR. SEIDL: Then may I ask the Tribunal to take official notice of number three of the affidavit by von dem Bach-Zelewski?

Paragraph three deals with the Warsaw revolt and the question as to whether the governor general had anything to do with the crushing of that revolt.

Then I pass on to page ninety-two.

THE PRESIDENT: As a matter of fact, does the indictment charge anything in connection with the crushing of the Warsaw revolt in 1944?

DR. SEIDL: There is nothing in the Indictment itself about the part of the governor general in the crushing of that revolt. However, the Soviet prosecution has submitted a telegram of which it is not sure however whether it had been sent but which puts the defendant Dr. Frank in some relation to the Warsaw revolt. But I shall not say anymore in detail about that now.

I pass on to page ninety-two of the document book.

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This is an affidavit by the witness Wilhelm Ernst von Palezieux, from whom the Tribunal has approved an interrogatory. But I was told by the Tribunal that in place of an interrogatory I could submit an affidavit. I quote only the two main paragraphs, and I quote:

"The art treasures stored in the castle in Cracow since the spring of 1943 were under official and legal supervision there. Dr. Frank always referred to these art treasures to me as state property of the General Government. Catalogues of the existing art treasures had already been made before my presence in Poland; the list of the first selection had been printed in book form as a catalogue with descriptions and statement of origin"--

THE PRESIDENT: Now you are reading the affidavit all over again. You are giving us the whole affidavit over again. We don't want that sort of---

MR. SEIDL: Mr. President, I assume so far that in all those cases where a witness does not appear before the Tribunal in person it is admissable that either the interrogatory be read or the affidavit because otherwise the contents of his testimony would not become part of the record and therefore part of the proceedings.

THE PRESIDENT: That rule was in order that the defendants and their counsel should have the document before them in general; that is the reason for reading the documents through the earphones. But the Tribunal will adjourn now. But I want to tell you that you must shorten your presentation of this documentary evidence. We have already been a good deal more than an hour over one book and we have four more books to deal with, and it doesn't do your case any good to read all these long passages because we have some more weeks of the trial, and it is only necessary for you to give such connecting statements as make the documents intelligible and to correlate them with the oral evidence that is being given.

(The Tribunal adjourned until 24 April 1946 at 1000 hours.)